

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9476 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that, this Hon’ble Court may be pleased to issue an order or direction or writ more particularly one in the nature of writ of mandamus

i) declaring the action of the Respondent Nos. 1 to 3 in not taking any action on the representation of the petitioners dated 9.12.2017 & 10.2.2018 to restrain the Respondent Nos. 4 to 7 from making any construction and to maintain Status Quo in Plot Nos.8,9,18,&19 admeasuring 1055 sq.yds., in Sy.Nos. 199, 201, 202, 216 & 217 situated at Sriveni Enclave of Gajularamarum village, Quthbullapur Mandal, Medchal Dist., as arbitrary, illegal, violative of orders in IANos.3464/2008, dt.15.12.2008 & 986/2010, dt.1.4.2013 in O.S.No.1200/2008 and the undertaking recorded in the WPN0.28718/2009, violative of provisions of Greater Hyderabad Municipal Corporation Act, Byelaws and Rules made thereunder and violative of Article 14&21, 300-A of Constitution of India.

ii) direct the Respondent Nos. 1 to 3 to dispose of the representation of the petitioners by directing the respondents 4 to 7 to maintain Status Quo in terms of the order in IANos.3464/2008, dt.15.12.2008 & 986/2010, dt.1.4.2013 in O.S.No.1200/2008 in respect of land in Plot Nos.8, 9, 18,&19 admeasuring 1055 sq.yds., in Sy.Nos.199, 201, 202, 216 & 217 situated at Sriveni Enclave of Gajularamarum village, Quthbullapur Mandal, Medchal Dist., and to take action against the respondents 4 to 7 for violating the said interim orders, in the interest of justice and pass such other order(s) as in the circumstances of the case.”

2. I have heard the submissions of Sri *B.Mahender Reddy*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 & 2, and of Sri *Chatla Madhu*, learned Standing

Counsel appearing for the 3rd respondent. I have perused the material record.

3. The main grievance of the writ petitioners is non-consideration of the petitioners' representations, dated 09.12.2017 & 10.02.2018, submitted to the Station House Officer, Jeedimetla Police Station, Cyberabad, Ranga Reddy District, i.e., the 2nd respondent herein.

4. I have carefully perused the affidavit filed in support of the writ petition and the material papers including the copy of the written instructions placed on record by the learned Government Pleader. There is admittedly a civil suit O.S.No.1200 of 2008 filed and pending on the file of the learned I Additional District & Sessions Judge, Ranga Reddy District. The said suit was filed by the petitioners herein against the respondents 4 & 5 herein for a perpetual injunction in respect of the Plot bearing Nos.8, 9 & 18, totally admeasuring 1000 square yards, in Survey Nos.199/A, 201 part, 202, 203, 204, 215, 216 & 217, situated at Sriveni Enclave, Gajularamarum Village, Quthbullapur Mandal, Medchal District. It is discernible from the record that, on 15.12.2008, the civil Court, in the afore-stated suit, passed the following docket order:

**“Heard. Issue urgent notice to respondents by 13-3-2009
meanwhile the respondents are directed to maintain status quo as
on today till then.”**

(Reproduced verbatim)

The above order does not indicate as to what was the *status quo* as on that day and what was the *status quo*, which was directed to be maintained by the parties. The order *prima facie* appears to be an ambiguous order. The subsequent order, dated 13.08.2009, of

the learned I Additional District & Sessions Judge, L.B. Nagar, Ranga Reddy District, which is also a docket order, reads as under:

“R1, R2 called absent. Issue fresh notice to R1, R2 through court and R.P. by 14-12-2009. Status quo order is extended till further orders on Memo.”

(Reproduced verbatim)

Thereafter, the learned IX Additional District & Sessions Judge (FTC), at L.B. Nagar, Ranga Reddy District, on 01.04.2013, passed an order in I.A.No.986 of 2010 in the afore-stated suit, which reads as under:

“Since the petitioner/ plaintiff insisted for disposal of this IA, I directed both parties to get ready, however the counsel for Respondent has reported that the main suit itself was filed about 5 years ago and main suit can be disposed. He further stated earlier the court directed both parties to maintain status-quo and the respondent No.1 /defendant has no intention to create any encumbrances over the property. The counsel for petitioner/plaintiff is ready to commence the trial from 09-04-2013 and he sought for a direction to both parties for maintaining status quo. Respondent reported no objection. Therefore, the petition can be closed for the present with a direction to maintain same status quo till further order and with a direction to petitioner to commence the trial.

The petition is closed for the present without prejudice to the rights to both parties. They shall maintain status-quo and petitioner shall commence the trial i.e. Shall file evidence by 09-04-2013.”

(Reproduced verbatim)

Thereafter, the afore-stated representations, dated 09.12.2017 and 10.02.2018, are made by the petitioners to the Station House Officer, Jeedimetla Police Station, Cyberabad, Ranga Reddy District, i.e., the 2nd respondent herein, requesting to take stringent criminal action against the unofficial respondents 4 & 5 and their henchmen

for creating allegedly a Lease Deed and trespassing into the schedule land in violation of *status quo* orders. In the said representation, police protection for compliance of the *status quo* orders is also sought. For non-consideration of the said representations, the present writ petition is filed.

5. Learned counsel for the petitioners would submit that when orders of the civil Court are not being complied with and are being flouted, the petitioners like the present petitioners are entitled to seek appropriate orders from this Court. In support of the said submissions, he placed reliance on the following two decisions:

1) **SATYANARAYANA TIWARI VS. S.H.O.P.S. SANTHOSH NAGAR, HYDERABAD AND OTHERS¹**; and

2) **P.R.MURLIDHARAN AND OTHERS Vs. SWAMI DHARMANANDA THEERTHA PADAR AND OTHERS²**

6. I have gone through the decisions. In the decision of this Court (supra 1), the injunction order passed by the civil Court was confirmed by the High Court and the order has become final. Therefore, there was an order passed on merits after hearing the submissions of both sides. In the decision of the Supreme Court (supra 2), at para 19, it was held as follows:

“A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

¹ AIR 1982 ANDHRA PRADESH 394

² (2006) 4 Supreme Court Cases 501

7. In the case on hand, *status quo* order was granted and extended on a memo and later, the petition was closed without deciding the interlocutory application on merits, by following the procedure established by law. Further, this Court noted that the District Court did not specify as to what was the *status quo* before granting the *status quo* order and, hence, the said order is *prima facie* an ambiguous order.

8. Be that as it may, it is for the Court, which granted the order to dilate the import and purport of the order and it is not for this Court to make any observations on the said order.

9. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit that the dispute is purely a civil dispute and that on the receipt of the complaints through post, an entry was made in the Station General Diary and that the matter is *sub judice* before a competent civil Court and that if the petitioners intend to initiate contempt proceedings for violation of the *status quo* orders, it is open to the petitioners to initiate contempt proceedings and until and unless there are specific directions to the respondent Police Officers, it is difficult to provide police aid or police protection to the plots of the petitioners.

10. Learned counsel for the petitioners fairly submits that till date, no applications are filed before the trial Court complaining violation of the *status quo* orders and for granting police aid.

11. Having regard to the facts and circumstances peculiar to the case, this Court is of the considered view that this writ petition can be disposed of with appropriate directions.

12. Accordingly, the Writ Petition is disposed of reserving liberty to the petitioners to approach the civil Court before which the suit is pending and file necessary applications for grant of police aid and other orders, if the petitioners so desire and are so advised as this Court is of the considered view that this is not a fit case to grant police aid to the petitioners in writ proceeding without the petitioners first approaching the civil Court where the civil suit is pending. However, it is made clear that the Police Officer concerned i.e., the 2nd respondent shall dispose of the representations of the petitioners, by following the guidelines laid down in **Lalita Kumari Vs. Government of Uttar Pradesh**³. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 3rd April, 2018

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³ (2014) 2 SCC 1

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