

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10311 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner requesting to declare the action of the third respondent in not providing protection to the petitioner's land in an extent of Ac.2.13 guntas in Survey No.300/ A, situated at Anumula Village and Mandal, Nalgonda District, in respect of which the petitioner obtained a perpetual injunction decree, dated 22.09.2017, in O.S.No.50 of 2015 on the file of the Junior Civil Judge, Nidamanoor, as illegal, arbitrary and contrary to the principles of natural justice.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (T.S.) appearing for respondents 1 to 3. I have perused material record.

3. Learned counsel for the petitioner would submit that even during the pendency of the suit, after obtaining a temporary injunction order, the petitioner approached this Court earlier and sought police aid for implementation of the injunction order; that this Court, by order, dated 20.09.2014, in W.P.No.25979 of 2014, directed the police to consider for providing adequate protection to the petitioner for implementation of the injunction order passed by the Civil Court; that though the said suit is decreed on merits and the decree has become final, the judgment debtors are still interfering and not allowing the petitioner to enjoy the fruits of the decree granted by the Civil Court; and, that despite a representation, dated 06.03.2018, submitted by the petitioner to

the third respondent-the Station House Officer, Anumula Police Station, no protection is being given to the petitioner for implementation of the said perpetual injunction decree.

4. Learned Government Pleader for Home, on written instructions, which are placed on record, would submit that unnecessarily false allegations are being made against the police officer concerned; that the dispute is purely civil in nature and, therefore, it cannot be entertained by the police; and, that if the petitioner approaches the police officer concerned and gives an application seeking police protection for implementation of the perpetual injunction decree, the police officer concerned is ready and willing to provide necessary police protection in accordance with the procedure established by law.

5. Recording the submissions, the writ petition is disposed of directing the petitioner to submit within two weeks from the date of receipt of a copy of this order a fresh representation along with a copy of the decree in the aforesaid suit - O.S.No.50 of 2015 to the third respondent seeking police aid for implementation of the said perpetual injunction decree. In the event, the petitioner makes any such application, the police officer concerned shall do the needful in the matter in strict accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 29.03.2018
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