

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11724 of 2018

ORDER:

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

“... to issue an appropriate writ, order, or directions more particularly one in the nature of writ of MANDAMUS, direction to declaring the inaction on the part of the respondent Nos.2 to 5, more specifically respondent No.4 and 5 in not providing police protection or grant aid in implementation of the judgment and decree passed in O.S.No.44 of 2012 dated: 19-11-2012 by the Court of the Hon'ble Junior Civil Judge at Bodhan and subsequently direct the respondent Nos.6 to 8 to obey the decree passed in O.S.No.44 of 2012 dated: 19-11-2012, for violation of the decree of the civil court by the respondent Nos.6 to 8, the petitioner herein filed the E.P.No.17/2016 to execution of the decree and the same was allowed 26-04-2017 and sentenced the respondent No.6 to 8 undergone the Civil imprisonment for 1 month by the executing court; even after the respondent Nos.6 to 8 are still trying to interfere in possession and enjoyment of the petitioner over the property in Sy.No.565/1 to an extent of Ac.1.16 guntas situated at Taglepally village of Varni Mandal; as illegal, arbitrary and against the principles of natural justice and equity and is violative of article 14 and 300-A the Constitution of India; consequently direct the Police Authorities i.e. Respondent No.2 to 5 to provide the police protection to implement the decree of the civil court and grant aid to crop is ripe for the harvesting and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.’

At the hearing, learned counsel for the petitioner would submit that despite orders of the civil Court and executing Court and suffering sentences pursuant to the orders of the executing Court, the respondents 6 to 8 are still making attempts to interfere with the possession and enjoyment of the petitioner over the subject property and that when police protection was sought to implement the perpetual injunction

decree and order of the executing Court, no action has been taken by the police officers.

Learned Government Pleader, on written instructions, a copy of which is placed on record, would submit that the police officers are having highest regards for the orders of the Court and that in the event the petitioner makes a representation to the Station House Officer, Varni Police Station, Nizamabad District, appropriate action would be taken.

Recording the afore-said submissions, the Writ Petition is disposed of reserving liberty to the petitioner to submit a representation to the Station House Officer, Varni Police Station, Nizamabad District/5th respondent, seeking police protection in respect of the subject property within a period of two (02) weeks from the date of receipt of a copy of this order. In the event the petitioner makes such a representation, the said police officer shall consider the same in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

11.04.2018

Note: Issue CC today.

[B/o]

Vjl