

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.2367 of 2017

ORDER :

Heard the learned counsel for the petitioners and the learned Govt. Pleader for Home for respondents 1 to 4 and learned counsel for the respondents 6 to 11 and perused the prayer in the writ petition with supporting affidavit and the respective counters and reply affidavit of the writ petitioner.

The prayer in the writ petition reads as follows:-

“to issue a writ/order preferably in the Nature of Mandamus and declare the action of the Respondent Nos 1 to 4 in not extending Police Protection to the petitioners herein and consequently direct the Respondent Nos 1 to 4 to extend/provide Police Protection to the Petitioners No 1 & 3 to restore the broken portion of the compound of the said Factory Premises factory premises situated at S No 46-2 Extent 1Acre 36 cents situated at YSR Cross Gummaiahgarepally (Village) Gorantla Mandal Anantapur Dt. by constructing a pucca concrete compound wall on the Northern side as well as it is existing on the other 3 sides of the Factory Premises to protect the said property in terms of the said permanent Injunction which has become absolute and binding on all concerned; And consequently to further direct the Respondents No 1 & 2 to book a Criminal Case against the said Respondents No 6 and Respondents No 8 to 11 for the cognizable offence of attacking and abusing the aged couple of Petitioners No 1 & 3 with a clear intention to liquidate them in pursuit of their evil designs And may he please to grant exemplary costs to be paid to the Petitioners No 1 & 3 by the Respondents No. 6, 8 to 11 and pass such other order or orders”

The supporting affidavit averments show that O.S.No.30 of 2007 on the file of the learned Senior Civil Judge, Penukonda, is seeking declaration of title over the part of Ac.0.36 cents (marked B schedule) in Sy.No.46-2 and permanent injunction against the entire factory premises in the said survey number with an extent of

Ac.1.36cents and along with the suit, they filed I.A.No.130 of 2003 in the said suit seeking ad-interim injunction, on that the trial Court by marking of documents, granted ad-interim injunction by order,dt.08.04.2004 in the pending suit and the same was confirmed by the dismissal of C.M.A.No.2 of 2004 filed by the respondents 5 to 7 herein, and after decree of the trial Court for declaratory relief of Ac.0.36cents and permanent injunction for Ac.1-36cents, the defendants who are no other than the writ petition respondents 5 to 7 maintained A.S.No.2 of 2006 which was partly allowed by dismissing the declaratory relief insofar as Ac.0.36cents concerned by granting permanent injunction relief insofar as the entire land concerned covered by the plaint schedule. The second appeal as S.A.No.1410 of 2012 stated filed by the State and once it was dismissed for default and restoration application was filed and was allowed and said Second Appeal is stated pending now. Insofar as the writ petition official respondents 1 to 4 concerned, it is the say that had they received any written instructions, they will consider for providing any police aid and the counter affidavit of respondents 6 to 11 is concerned, in one breadth saying that they are not interfering and in another breadth not to grant police aid. Undisputedly with regard to modified appellate Court's judgment in granting permanent injunction relief concerned, the boundaries prescribed in the plaint schedule, leave about any difference in extent, no more discussion is required as it is the subject matter of the Second Appeal is to decide on own merits. Now so far as the relief in the writ petition

referred supra of providing police assistance to construct pacca compound wall on the northern side as well as on other three sides of the factory premises which is part of the plaint schedule property with decree of permanent injunction in favour of the writ petitioners referred supra concerned, there is nothing to say not entitled to the relief but for to say any construction of compound wall is at their own risk and not to claim any equity in the event of any success by the writ petition respondents 5 to 7/the Second appeal appellants in the Second Appeal.

With these observations, the Writ Petition is ordered. The petitioners are at liberty to make a representation to the respondents by virtue of this order for providing police aid.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:20.04.2018
vvr

Dr. B. SIVA SANKARA RAO J,