

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14718 of 2018

ORDER:

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

“..to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the Respondents to give police protection to the petitioner in respect of the land admeasuring Ac.12.30 gts., in Sy.No.453/1, situated at Thimmapur Village, Kandukur Mandal (now), Ranga Reddy District to implement the decree dated 02.09.1987 made in O.S.No.187 of 1980 on the file of the District Municief, Ibrahimpatnam by declaring the inaction of the Respondents in not extending police protection to the Petitioner by considering representations dated 20.11.2017 and 04.04.2018 as illegal, arbitrary and violative of Article 14 & 21 of the Constitution of India and **pass** such other order or orders may deem fit and proper in the **circumstances** of the case.”

2. Heard learned counsel for the petitioner and learned Government Pleader for Home (T.S.) appearing for respondents 1 to 4. Perused the material record.

3. At the hearing, learned counsel for the petitioner, while reiterating the material contents in the writ petition, would submit as follows: ‘In O.S.no.187 of 1980, a civil Court has already granted a decree and judgment in favour of the petitioner. The said decree and judgment have become final on the dismissal of the appeal suit in A.S.No.50 of 1987 on the file of the Additional District Court, Ranga Reddy District. Despite

the said fact, the respondents 5 and 6 are trying to interfere with the peaceful possession and enjoyment of the said decree schedule property, taking advantage of the fact that they are not parties to the said proceedings. However, the said respondents are the sons of the defendant, who suffered the decree in the said suit. Therefore, the said respondents are also bound by the said decree, which has become final. Therefore, the petitioner sought police protection for the said property by submitting representations, dated 20.11.2017 and 04.04.2018. However, the police officer concerned has not considered the said representations and has not provided police protection to the petitioner for peaceful enjoyment of the said decree schedule property. Hence, the present writ petition is filed.'

4. Learned Government Pleader for Home, on written instructions, dated 24.04.2018, a copy of which is placed on record, would submit as follows: 'Even before the submission of the representation, dated 04.04.2018, by the petitioner, one Gangapuram Chenna Reddy approached the police of Kandukur Police Station and lodged a complaint, dated 03.04.2018. In the said complaint/report, it is stated that he was owning certain extents of lands in Survey No.453/1; that the petitioner has created some documents in respect of the said lands; that pursuant to the order passed by this Court in W.P.No.21200 of 2007, the Mandal Revenue Officer, Kandukur

Mandal, issued order, dated 03.02.2018, in case no.B/1177/2017, stating that the names of Srinath Reddy, Jagannath Reddy and Ramnath Reddy were already brought on record since 1997-98 and that by violating the order of the Mandal Revenue Officer, one Komati Sreenu Peelaiah and Beerappa of Veliminedu Village came to the lands with tractors and criminally trespassed into the lands. In the said complaint, the said Gangapuram Chenna Reddy requested to take necessary action as per law. Therefore, the police officer is in a dilemma as to who among the rival parties is in possession of the subject lands.'

5. However, in the written instructions, it is also stated that in the year 2000, this Court has granted orders for police protection to the subject land of the petitioner in E.P.No.3 of 2000. The said fact is not disputed.

6. Recording the submissions, the writ petition is disposed of directing the Assistant Commissioner of Police, Ibrahimpatnam, Ranga Reddy District, the fourth respondent herein, to consider and dispose of the representations, dated 20.11.2017 and 04.04.2018, of the petitioner, within two weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, and provide police protection to the petitioner's land covered by the decree of the civil Court, as and when necessary and required. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 02.05.2018
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