

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14821 of 2018

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the grievance of the petitioner is in respect of the inaction of the respondent-police in providing police protection to her and her agricultural lands in an extent of Ac.0.27 cents in Survey No.233/2 situated at Peddanelatur Village, Gonegandla Mandal, Kurnool District, covered by the decree and judgment, dated 27.01.2018, passed in O.S.No.86 of 2016 on the file of the Court of the learned Senior Civil Judge, Adoni, whereby the petitioner herein was declared as owner of the property and was granted a perpetual injunction.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home (A.P.) appearing for respondents 1 to 5. Perused the record.

3. Learned counsel for the petitioner submits that the decree and judgment in the aforesaid suit have become final and that unless police protection is granted, the petitioner cannot peacefully enjoy the decree schedule property, as respondents 6 and 7 are resorting to highhanded behaviour and are interfering with the peaceful possession and enjoyment of the property of the petitioner. He brings to the notice of this Court, the order, dated 03.08.2016, passed by this Court in W.P.M.P.No.31500 of 2016 in W.P.No.25506 of 2016, wherein an interim order of police protection was granted following the decision of the Supreme Court.

4. Learned Government Pleader for Home, on written instructions, dated 30.04.2018, a copy of which is placed on record, would submit that based on the complaint, dated 13.02.2018, lodged by the petitioner against the sixth respondent and others, the Sub Inspector of Police, Gonegundla Police Station, the fifth respondent herein, registered a case in Crime No.23 of 2018 for the offences punishable under Sections 447, 509 and 506 r/w 34 of the Indian Penal Code; that investigation into the said crime is in progress; that it is not possible for the police officers to provide protection; that in the event, the petitioner requires police protection, she must approach the Civil Court and obtain appropriate orders; that she cannot directly approach this Court and invoke the writ jurisdiction as the issue whether any person like the petitioner herein, in matters of the present nature, is entitled to seek police protection by invoking the writ jurisdiction of this Court has not attained finality and as a learned Single Judge of this Court passed orders requesting the Hon'ble the Acting Chief Justice to refer the said issue to a Division Bench or a Larger Bench of this Court for a considered decision on the issue.

5. Having regard to the facts and submissions, and the particular fact that by the decree and judgment, dated 27.01.2018, passed in the afore-stated suit, a perpetual injunction has been granted in favour of the petitioner and against the unofficial respondents and that the said decree has become final and binding on the parties, the fifth respondent is directed to consider the complaint/representation of the petitioner, dated 13.02.2018, and take appropriate and necessary action thereon in strict accordance

with the procedure established by law and provide police protection to the petitioner as and when necessary.

6. The writ petition is accordingly disposed of. 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: 02.05.2018
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