

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.33661 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police & SHO, Narasaraopet Rural PS, Guntur Rural District, dated 02.11.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that the above Writ Petition is filed by the petitioners praying to declare the inaction of the respondents in not providing police protection and aid by considering our representation to the respondents as arbitrary, illegal and unlawful capricious and to give directions to the respondents for giving protection and aid for cultivating our agricultural lands in S.Nos.376, 377, 396/1, 462/81, 455.8, 384/f, 390/2c, 415/b, 416/d, 378; totally admeasuring Ac.22.00 of Kakani village, Narasaraopet and part of Magaluru village, Aravapaly Santhamagaluru Mandal.

It is submitted that the 1st petitioner herein has sent a representation dt.16.04.2018 to the 2nd respondent herein through registered post for providing police aid to the petitioners for cultivation. In turn, the 2nd respondent has forwarded the same to the 5th respondent herein for necessary action therein. Accordingly, on 24.04.2018, the 5th respondent herein issued letter to the respondents, with a request to intimate the date, and time for cutting the crops by them and the same was served on the petitioners herein on 08.05.2018. In response to the same, the petitioners have not approached the 5th respondent nor intimated the

date and time for harvesting the crops by them. In fact, the police is ready to provide protection to the petitioners for harvesting the crops, provided they intimate the police about the date and time for harvesting the crops, so as to enable the police to provide police protection to the petitioner.

It is submitted that whenever the petitioners approach the 5th respondent and intimate the date and time for harvesting the crops, the 5th respondent police will provide police protection to them for the same. Therefore, there is no inaction on the part of the respondent police authorities. All other allegations of the petitioners against the respondent police authorities are incorrect, untenable and hereby denied.

In view of the facts stated above, the Writ Petition is not maintainable and liable to be dismissed.”

2. It is also significant to note that this Court in earlier round of litigation, in W.P.No.9652 of 2015 passed an Order on 08.04.2015. Operative portion of the said Order reads as under:-

“Writ Petition is accordingly, disposed of. Petitioners are at liberty to seek protection as and when they desire to harvest the crops and the respondent police shall provide necessary assistance. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.”

3. An endorsement given by the S.I. of Police, Narasaraopet Rural P.S., on 24.04.2018 is also filed along with the Writ Petition as material paper.

4. The said endorsement shows that on an application made by the petitioners herein, the S.I. of Police, Narasaraopet Rural P.S., gave the said endorsement asking the writ petitioners to produce the extension Order. In the considered opinion of this Court, the said endorsement given by the S.I. of Police cannot be sustained in the eye of law, as the Order in W.P.No.9652 of 2015 became final and no appeal was filed against the said Order.

5. Having regard to the instructions furnished by the S.I. of Police and keeping in view of the Orders passed by this Court earlier, the Writ Petition is disposed of, directing the respondent-police authorities to give police protection to the petitioners herein as and when the petitioners make a request to carry on the agricultural operations, if there is no Order of the Civil Court operating against the petitioners herein.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:05.11.2018
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