

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.1444 OF 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, challenging the proceedings No.D/4332/2015 dated 24.11.2015 issued by the 8th respondent to the 4th respondent, and also marking a copy of the same to the 5th respondent to provide police protection to the 7th respondent to plough the land in an extent of Ac.9.03 gunts in Sy.No.89 situated at Therlumaddi Village, Mustabad Mandal, Karimnagar District, as illegal, arbitrary, null and void, on the sole ground that the 8th respondent is incompetent to issue such direction and lacks jurisdiction to order police protection in favour of any private party, when there is a clear dispute.

The facts of the case in nut shell are that, the petitioners who are the brothers purchased an extent of Ac.9.03 gunts in Sy.No.89 situated at Therlumaddi Village, Mustabad Mandal, Karimnagar District, and they are claiming to be the owners of the land having purchased the same from one Thanneru Ram Mohan Rao under sale deed dated 05.01.1992 for a valid consideration of Rs.54,000/-. Since then, the petitioners are in possession and enjoyment of the said property. It is the case that the 7th respondent made a representation to the 4th respondent claiming the above land, thereby, marking a copy to the 5th respondent/Sub-Inspector of Police for providing police protection to plough an extent of Ac.9.03 gunts in Sy.No.89 situated at Therlumaddi Village, Mustabad Mandal, Karimnagar District. In pursuance of the application made by the 7th respondent, the 8th

respondent, without issuing any notice to the petitioners provided police protection vide proceedings No.D/4332/2015 dated 24.11.2015, which is the impugned order in this writ petition.

During hearing, learned counsel for the petitioners Sri S. Madan Mohan Rao contended that the revenue authorities have no power to issue a direction to provide police protection and placed reliance on the judgment of this Court in **T. Mallikarjuna and others v. State of Andhra Pradesh, rep. by its District Collector, Chittoor District and others**¹ and on the strength of the principle laid down in the above judgment, learned counsel for the petitioner requested this Court to allow the writ petition by setting aside the order impugned in this writ petition.

Learned counsel representing the 7th respondent- Sri T. Surya Satish did not appear and represent the matter.

It is an undisputed fact that, the 7th respondent made representation to the 8th respondent claiming the land in an extent of Ac.9.03 gunts in Sy.No.89 situated at Therlumaddi Village, Mustabad Mandal, Karimnagar District and without any notice to these petitioners, the 8th respondent passed the order impugned in this writ petition, while directing the Sub-Inspector of Police, Mustabad to provide police protection, enabling the 7th respondent to plough the land in an extent of Ac.9.03 gunts in Sy.No.89 situated at Therlumaddi Village, Mustabad Mandal, Karimnagar District.

The law is well settled and in view of the judgment of this Court in **T. Mallikarjuna and others v. State of Andhra Pradesh, rep. by its District Collector, Chittoor District and others**

¹ 2014 (3) ALT 757

(referred supra), this Court made it clear in paragraph 14 that the Tahsildar has no authority to direct the police for providing police protection in favour of any private party.

If, the principle laid down in the above judgment is applied to the present facts of the case, equally, the 8th respondent-Revenue Divisional Officer, Siricilla, Karimnagar District lacks no authority to issue a direction to provide police protection in favour of the 7th respondent herein.

Hence, the order passed by the 8th respondent to provide police protection to the 7th respondent, enabling the 7th respondent to plough the land, is without any authority and the same is illegal in the eye of law and consequently, the order is liable to be set-aside.

In the result, the writ petition is allowed and the the proceedings No.D/4332/2015 dated 24.11.2015 issued by the 8th respondent are hereby set-aside.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:16.04.2018

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