

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 6856 of 2019

Date : 2.4.2019

Between:

Smt Yelmati Padma W/o Veera Reddy Aged about 48 years
Occ Home Maker R/o H No 687/1 Yelmati Nagar Balapur
Village and Mandal Ranga Reddy District

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Department of Home
Secretariat Buildings Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Home.

2. Petitioner claims to be in possession of land admeasuring Ac.10.00 guntas in Survey Nos. 310, 311 and 312, kandukur village and mandal, Ranga Reddy district. Alleging illegal interference and threatening to dispossess, petitioner instituted O.S.No. 70 of 2019 pending on the file of the XIII District and Sessions Judge, Ranga Reddy district at L B Nagar, Hyderabad. In the said suit, petitioner filed I A No. 123 of 2019 and the Court below while adjourning the said I.A., granted interim injunction which was operative for limited period and later it was extended upto 13.3.2019. According to learned counsel for petitioner, interim injunction order was extended for the further period.

3. Sri Peri Prabhakar, learned counsel appearing for 4th respondent submits that 4th respondent is contesting the interim injunction application and at this stage even before the issue is considered by the Court below, question of granting police protection does not arise.

4. As can be seen from the docket proceedings of the Court below, initially injunction was granted on 31.1.2019 while adjourning I.A. to 14.2.2019 and on 14.2.2019 injunction was further extended to 13.3.2019. Learned counsel for petitioner informs the Court that injunction order was further extended and I.A. is coming for consideration before the Court below next week.

5. Since, it was an ex-parte injunction order and rival parties are contesting the same, at this stage, question of directing police to provide protection even before prima facie possession and entitlement to injunction order is considered by the Court below, does not arise. Further, petitioner is not prevented from obtaining appropriate orders from the Court below where suit is pending to grant police protection. Even before such application is moved and without requesting the Court below to grant protection by making out a case of illegal interference, straight away writ petition is filed and this Court is not inclined to entertain the same. Accordingly, writ petition is dismissed leaving it open to the petitioner to pursue the pending suit and granting liberty to file appropriate application in the pending suit after I.A. is considered and favourable orders, if any, granted in favour of the petitioner. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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