

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.16981 of 2019

ORDER:

This Writ Petition is filed praying to grant the following relief:

“... to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the inaction on the part of the respondent No.3 in rendering necessary police aid to the petitioner against the interference from the respondent Nos.4 to 10 in respect of his land under Sy.No.124/46 and 124/47 total admeasuring Acs.6.00 situated at Mangalpally Village, Ibrahimpartnam Mandal, RR District, as per judgement and decree passed in O.S.No.998 of 2017 dated 05.03.2019 passed by I Addl. Senior Civil Judge, RR District, is highly illegal, arbitrary, amounts to dereliction of duties and unconstitutional. Consequently, this Hon'ble Court may be pleased to direct the respondent No.3 to render necessary police aid to the petitioner to protect his possession in respect of his land under Sy.No.124/46 and 124/47 total admeasuring Acs.6.00 situated at Mangalpally Village, Ibrahimpatnam Mandal, RR District, against illegal interference by the respondent Nos.4 to 10 in pursuance of the judgment and decree passed in O.S.No.998 of 2017 dated 05.03.2019 passed by I Addl. Senior Civil Judge, RR District, and pass any other order or orders as deemed fit and proper in the circumstances of the case in the interest of justice.”

2. Learned counsel for the petitioner submits that in spite of decree dated 05.03.2019 granted in favour of the petitioner in O.S.No.998 of 2017, the respondent – police are not providing police aid to him.

3. Heard learned Government Pleader for Home.

4. Sri D. Prakash Reddy, learned senior counsel representing Sri P. Laxma Reddy, learned counsel for respondents 5 to 10, submits that respondents 5 to 10 are not parties to the civil suit in

O.S.No.998 of 2017 and they are not claiming through respondent No.4 and they claimed independent title in C.S.No.14 of 1958 and that other respondents are interfering with his peaceful possession and enjoyment of the subject property and this Court granted interim order dated 12.11.2017 in W.P.MP.No.48140 of 2017 in W.P.No.38782 of 2017 and as such no direction can be issued to the respondent – police to take action against respondents 5 to 10.

5. In this case, it is to be seen that respondents 5 to 10 are not parties to the decree in O.S.No.998 of 2017 and they had already filed W.P.No.16 of 2019 and obtained an interim order in their favour and even according to the learned counsel for the petitioner, there appears to be a dispute with regard to the subject property and the disputed questions of fact cannot be decided in this writ petition. In view of the same, no relief as sought for by the petitioner can be granted. However, it is open to the petitioner to avail the alternate remedies available to him.

6. With the above observations, this Writ Petition is disposed of. Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

A. RAJASHEKER REDDY, J

Date:16.09.2019

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