

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.22923 of 2019

ORDER:

The present writ petition is filed to declare the action of the second respondent in not extending the police aid in favour of the petitioner in terms of the order, dated 30.04.2013, passed in I.A.No.68 of 2012 in O.S.No.24 of 2012 on the file of the learned Junior Civil Judge, Thungathurty, Suryapet District, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondents 1 and 2 and Sri K.V.Satya Ramachandra Rao, learned counsel for respondents 3 to 5.

3. Learned counsel for the petitioner draws the attention of this Court to the pattadar pass book issued by the Government of Telangana, *vide* Pass Book No.T29160081215, in respect of the land admeasuring Acs.4.03 guntas in Survey No.474/A1 situated at Vardhamanukota Village, Nagaram Mandal, Suryapet District, and on the basis of the said pattadar pass book, submits that the petitioner is in possession of the subject land and when there is interference by the defendants, who are arrayed as respondents 3 to 5 in this writ petition, the petitioner approached the learned Junior Civil Judge, Thungathurty, Suryapet District, by filing O.S.No.24 of 2012, and initially, obtained an *ex parte* temporary injunction order, on 11.09.2012. Learned counsel for the petitioner further submits that subsequently, upon respondents 3 to 5 in the writ petition have entering their appearance in the suit, the *ex parte* temporary injunction order, on contest, has been made absolute on 30.04.2013. It is stated that the suit filed before the learned Junior Civil Judge,

Thungathurty, has been transferred to the file of learned Senior Civil Judge, Suryapet and re-numbered as O.S.No.167 of 2016 and the same is pending and the temporary injunction order is valid and is subsisting.

4. Sri K.V.Satya Ramachandra Rao, learned counsel for respondents 3 to 5, disputes the claim of the petitioner and submits that the petitioner has obtained interim order by suppressing the material facts and that the petitioner has obtained two pattadar pass books. Learned counsel places reliance on the pass book issued by the erstwhile Government of Andhra Pradesh, bearing No.206225, and submits that the petitioner by forging the signature of the concerned Mandal Revenue Officer has obtained the new pattadar pass book from the Government of Telangana. Learned counsel also submits that the petitioner ought to have approached the Court below by filing an application under Order 39 Rule 3-A CPC and no relief can be granted extending the police aid by this Court.

5. Learned Assistant Government Pleader for Home submits that since civil disputes are pending between the parties before the concerned civil Court, the parties may be relegated to obtain orders from the concerned Court.

6. Having regard to the submissions made and on perusal of the material placed before this Court, this Court is of the view that the petitioner has, *prima facie*, established her possession over the subject land by virtue of the pattadar pass book issued by the Government of Telangana, in August, 2018.

7. It is to be noted that the petitioner has filed O.S.No.24 of 2012 before the learned Junior Civil Judge, Thungathurty, which stands transferred to the file of the learned Senior Civil Judge, Suryapet, and re-

numbered as O.S.No.167 of 2016, for perpetual injunction restraining the defendants therein, was successful initially in obtaining *ex parte* temporary injunction order, and the said *ex parte* injunction has been made absolute, after contest, by the Court, thereafter on 30.04.2013. In view of the fact that the said order being in force and since the threat of interference from the unofficial respondents is continuing, the petitioner has made a request to the second respondent in the writ petition to extend police aid which the second respondent has failed to act upon by claiming that there are, *inter se*, civil disputes between the parties though a case has been registered in Crime No.82 of 2019.

8. Inasmuch as the temporary injunction order, dated 30.04.2013, is in force against the unofficial respondents 3 to 5, this Court is of the view that there shall be a direction to the second respondent to extend necessary police aid to protect the interests of the petitioner for implementation of the temporary injunction order passed by the learned Junior Civil Judge, Thungathurty, in I.A.No.68 of 2012 in O.S.No.24 of 2012 (subsequently re-numbered as O.S.No.167 of 2016), till such time, such injunction order is either vacated by the same Court or by the higher Court.

8. With the above direction, the writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:03.12.2019

GJ