

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.24472 of 2019

ORDER:

The present writ petition is filed seeking a direction to the fourth respondent to provide necessary police aid to the petitioner from the unlawful interference of respondents 5 and 6 and their men with the peaceful possession and enjoyment of the petitioner over an extent of Ac.0.09 guntas of dry land in Survey No.492/aa situated at Thimmapur Village, Kowdipalli Mandal, Medak District, for enforcement of the rule of law and adherence to the order, dated 17.07.2018, passed by the learned Junior Civil Judge, Narsapur, in I.A.No.44 of 2017 in O.S.No.11 of 2017.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. Learned counsel for the petitioner draws the attention of this Court to the temporary injunction order, dated 17.07.2018, passed by the Court below in I.A.No.44 of 2017 in O.S.No.11 of 2017, wherein the Court below, taking note of the failure on the part of the respondents therein, viz., the respondents 5 and 6 herein, to put forth the documents to substantiate their claim, held that the petitioner is entitled for grant of temporary injunction restraining the respondents from interfering with the possession and enjoyment of the petitioner over the suit schedule property till the disposal of the suit.

4. Learned counsel for the petitioner submits that despite the said order being in force, the unofficial respondents in the writ petition have once again started interfering with the peaceful possession and enjoyment of the petitioner over the suit schedule property and when she

approached the police authorities for necessary police aid, the authorities failed to extend such aid for implementation of the orders passed by the Court below. Learned counsel further submits that forced by the inaction of the official respondents herein, the petitioner addressed a representation, dated 04.11.2019, to respondents 2 and 4 and on that basis, she seeks a direction to the fourth respondent to extend necessary police aid for implementation of the aforestated temporary injunction order.

5. Learned Assistant Government Pleader for Home, on written instructions, dated 13.11.2019, submits that based on the representation of the petitioner, dated 04.11.2019, against the persons named therein, the official respondents have registered a case in Crime No.103 of 2019 for the offences under Sections 447, 427 and 506 read with Section 34 IPC on the file of Kowdipalli Police Station, on 12.11.2019. Learned AGP further submits that in the interim order passed by the Junior Civil Judge, Narsapur in I.A.No.44 of 2017 in O.S.No.11 of 2017, since there is no specific direction to the police authorities to extend protection, the respondent authorities registered a case and took up investigation, and that if such orders are passed, the respondent authorities would abide by the same.

6. Having regard to the findings recorded by the learned Junior Civil Judge, Narsapur, while granting temporary interim injunction that though the unofficial respondents in the present writ petition have laid a claim on the basis of an unregistered sale deed, they failed to produce necessary documentary evidence to substantiate their claim, this Court is of the view that the temporary injunction order should be allowed to be implemented

till the same is either stayed, vacated or set aside by the same Court or by a superior Court.

7. In that view of the matter, there shall be a direction to the fourth respondent to extend necessary police aid to the petitioner pursuant to the temporary injunction order, dated 17.07.2018, granted by the learned Junior Civil Judge, Narsapur, in I.A.No.44 of 2017 in O.S.No.11 of 2017, in relation to suit schedule property from being interfered at the hands of respondents 5 and 6 or anybody claiming under them.

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

Date:21.11.2019

GJ

JUSTICE T.VINOD KUMAR

