

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.25577 OF 2019

ORDER:

This Writ Petition is filed to declare the action of the respondent authorities 2 to 4 in not providing police protection to the land of the petitioner to an extent of Ac.6.00 covered by Sy. No.1131 situated at Mukundapuram village, Nagupalli Revenue village Dammamet Mandal, Bhadradri Kothagudem District and also to harvest the standing eucalyptus crop therein as being illegal, arbitrary and contrary to law.

Heard Sri J. Sreenivasa Rao, learned counsel for the petitioner and learned Government Pleader for Home for respondents 1 to 4.

Learned Counsel for the petitioner would submit that the petitioner is the owner and possessor of the land admeasuring Ac.6.00 of Nagupalli village of Dammamet Mandal and in recognition of his ownership, the Government of Telangana after conducting survey has issued pattadar pass book bearing No.T27100110984 with katha No.2056 on 28.04.2018 by replacing the earlier pass book issued in the unified State of Andhra Pradesh. It is also further submitted that on earlier occasion when the petitioner's possession over the said land was sought to be interfered with by persons unconnected to the said land, the petitioner herein had approached this Court by filing W.P. No.20972 of 2019 and this Court, by its order dated 24.09.2019, in I.A. No.1 of 2019 was pleased to grant interim direction restraining the respondents 6 to 8 therein from interfering with the possession

of the petitioner's land. Learned Counsel for the petitioner would submit that as the things stood thus, when the petitioner is seeking to harvest the standing eucalyptus crop which is cultivated five years back in the said land, by undertaking cutting, the 5th respondent in the present writ petition is seeking to interfere and prevent the petitioner from undertaking such operations and also the produce being moved out of the place. The petitioner submits that despite this Court, *prima facie*, holding that the petitioner is in possession of the land for which pattadar pass book and title deeds have been issued by the revenue authorities, the interference by the 5th respondent is without any valid basis or claim and had thus, approached the 4th respondent on 02.10.2019 to extend necessary protection to harvest the eucalyptus crop cultivated in the Ac.6.00 gts of land.

On the other hand, learned Assistant Government Pleader for Home submits that in response to the request made by the petitioner for extending police protection, the 4th respondent by notice dated 09.10.2019 has informed the petitioner that on the basis of the injunction order granted by this Court in W.P. No.20972 of 2019, no police protection can be extended and if any such order is obtained from the court, the 4th respondent would extend such protection.

Learned Assistant Government Pleader further submits that the order of this Court in W.P. No.20972 of 2019 only dealt with the interference with the possession of the petitioner from the respondents 6 to 8 therein, which this Court on the basis of the pattadar pass books issued by the Government was pleased to

direct not to be interfered with and in the absence of any positive direction to the authorities to extend the police protection, the 4th respondent authority has issued the above notice. He would also further submit that if this Court directs for extending police aid, the authorities shall abide by the same.

Considered the submissions made on behalf of the parties and by perused the material on record and in particular the interim order passed by this Court in W.P. No.20972 of 2019 wherein this court was pleased to observe as under:

“pahanees indicate the possession of the petitioner and petitioner had also been issued pattadar pass books and title deeds by the revenue officials.”

The said finding recorded by this court while interdicting the interference with regard to the petitioner's possession, would also equally apply with regard to the standing crop which is raised in the said land. Thus, the petitioner would be entitled to harvest the crop in respect of which the petitioner has *prima facie* established his title and possession. In view of the above conclusion arrived at and as the petitioner is only seeking police aid to harvest the standing eucalyptus crop, this court is of the view that the respondents 2 to 4 be directed to extend necessary police aid to the petitioner to enable him to harvest the standing crop by deploying necessary force. However, police aid which is granted for harvesting the crop shall not preclude the petitioner from obtaining necessary permissions from the concerned authorities for transportation of the harvested Eucalyptus crop.

Subject to the above observation and direction, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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T. VINOD KUMAR, J

Date: 27.11.2019
MRKR

