

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.31107 of 2014

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondent Nos.1 and 2.

The prayer sought in the writ petition is as under:

“... to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the inaction of the 2nd respondent in extending police aid in pursuance of the orders passed by the Senior Civil Judge, at Jagtial in I.A.No.1425 of 2011 in I.A.No.501 of 2011 in O.s.No.60 of 2011 dated 04.01.2013 under which the learned Senior Civil Judge at Jagtial was pleased to provide police aid and directed the 2nd respondent to implement the injunction order granted in I.A.No.501 of 2011 as arbitrary, illegal, void abinito besides violative of Article 21 of Constitution of India besides violation of principles of natural justice consequently to direct the 2nd respondent to grant police aid in pursuance of the orders passed by the Senior Civil Judge, Jagtial in I.A.No.1425 of 2011 in I.A.No.501 of 2011 in O.S.No.60 of 2011 dated 04.01.2013 restraining the respondents 3 to 5 from interfering the possession and enjoyment by the petitioner over suit schedule property.”

Respondent No.1 filed a counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the petitioner herein and other respondents are having boundary disputes over their respective lands and the matter is pending before this Court in W.P.No.16802 of 2012. It is also mentioned in the counter affidavit that on the complaint lodged by one Mr. Sattar, brother of the petitioner, a case in Crime No.193 of 2013 was registered. After investigation, a charge sheet was filed on 28.06.2013 and the same was taken on file vide

C.C.No.293 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Medpalli. Learned Government Pleader brought to the notice of this Court that on the issue of jurisdiction the above said C.C. has been transferred to the Court of Judicial Magistrate of First Class, Korutla, and after transfer, the same was re-numbered as C.C.No.66 of 2015. During the course of trial, the parties have compromised and the C.C. was closed.

It is specifically denied in the counter affidavit that the respondent police have not provided police protection to the petitioner as directed by the learned Senior Civil Judge, Jagityal. In fact, the petitioner never approached the Station House Officer, Korutla, seeking such protection. Whenever the petitioner approaches the Station House Officer, Korutla, seeking protection, the same will be provided as directed by the learned Senior Civil Judge, Jagityal.

Though a counter affidavit has been filed by respondent No.1, the petitioner has not chosen to file any reply to rebut the contentions raised in the counter affidavit. Therefore, the contentions raised by the 1st respondent in the counter affidavit goes un-rebutted and the same are binding on the petitioner.

In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

Accordingly, the writ petition is closed. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date: 23.12.2019.
ES

