

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43162 of 2018

Date:14.02.2019

Between:

M/s.Abhaya Developers
Represented by its Partners
Gaddam Sai Kiran and K.V.Rahul
R/o.D.No.3-16-106/14/20,
Venkat Reddy Nagar, Ramanthapur,
Medchal Malkajgiri District

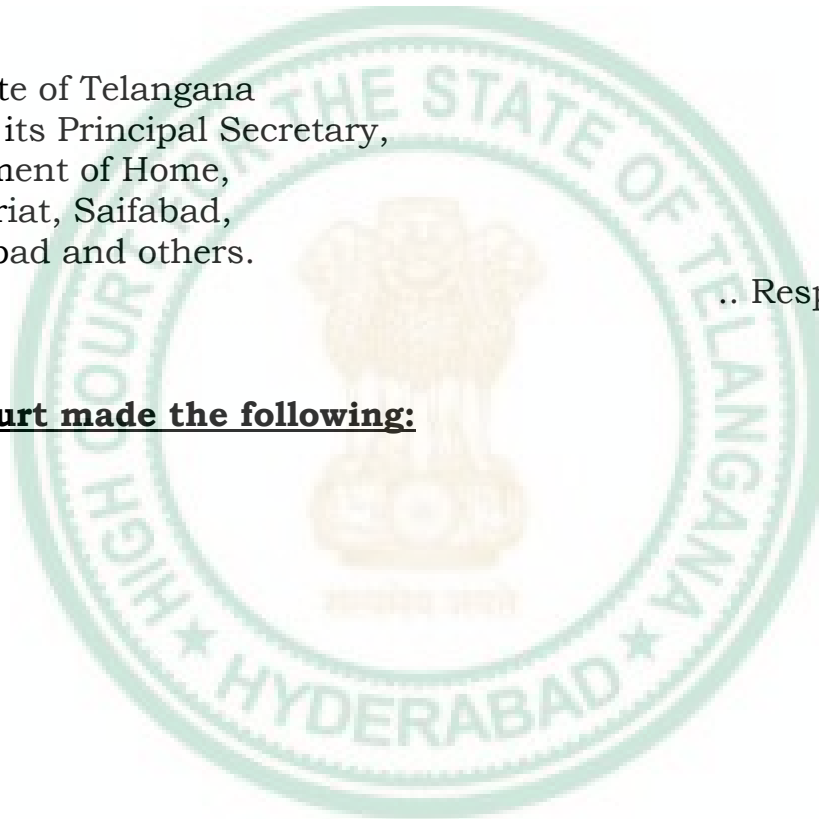
.. Petitioner

AND

The State of Telangana
Rep. by its Principal Secretary,
Department of Home,
Secretariat, Saifabad,
Hyderabad and others.

.. Respondents

The Court made the following:



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ORDER:

Petitioner claims to be the owner of the land admeasuring 5626 sq.yards in Sy.No.9/1/H at Haripuri Colony, Saroornagar Village and Mandal, Ranga Reddy District, having purchased through registered sale deeds dated 16.03.2018.

2. This writ petition is filed praying to direct the respondent – Police to provide protection to the petitioner and his property for the above extent of land.

3. According to petitioner, the accused in Cr.No.407 of 2018 on the file of Chaitanyapuri P.S. claims to be the owner of the land in Sy.No.9/1/F and under the guise of claiming ownership in the subject land, he is trying to encroach into the land of the petitioner.

4. Petitioner alleges that though the complaint was registered as Cr.No.407 of 2018 on 09.07.2018 for the offences punishable under Sections 447, 427 and 506 r/w 34 IPC, so far the accused was not arrested.

5. Petitioner earlier filed W.P.No.33338 of 2018 and the said writ petition was disposed of by order dated 27.09.2018 directing the police to secure the presence of the accused and complete investigation within a period of two months.

6. Learned counsel for the petitioner by placing reliance on the letter of Tahsildar dated 25.07.2018 addressed to the Inspector of Police sought to contend that insofar as the land

claimed by the petitioner, there is no dispute and it is his land. Though the accused is no way concerned with the land claimed by the petitioner in Sy.No.9/1/H, the accused is trying to interfere with the petitioner's land. Therefore, the petitioner is entitled to police protection.

7. As per the written instructions furnished by the Sub-Inspector of Police, Chaitanyapuri Police Station dated 28.11.2018, the police have looked into the grievance of the petitioner and ascertained from the revenue authorities on the status of the land and have come to the conclusion that the subject land is a disputed one and until and unless there is a specific direction, police cannot be directed to provide protection.

8. Apparently, there are some disputes and rival claims in respect of the subject land, therefore on a complaint made by the petitioner, crime was registered in Cr.No.407 of 2018. Wherever there is dispute to the ownership claims, the police cannot involve in such dispute and seek to resolve the dispute by force. In a writ petition under Article 226 of Constitution of India, petitioner cannot seek a direction to grant police protection, when there are rival claims.

9. When there are serious rival claims on the immovable properties, if the police are directed to give protection on individual claim even without proper adjudication by a competent Court/authority, it would lead to more serious consequences. More particularly, when value of properties have

gone up, these are bound to be claims and counter claims. This would hamper the maintenance of peace and order in the State.

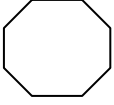
10. Therefore, the decision of the police as seen from the written instructions furnished by the Sub Inspector of Police, Chaitanyapuri Police Station cannot be faulted with, for the Court to grant relief as claimed.

11. Leaving it open to the petitioner to work out his remedies on the alleged interference by the 3rd parties into the property belonging to petitioner and to obtain appropriate reliefs as permissible in law, Writ Petition is dismissed. No order as to costs.

12. As sequel to it, Miscellaneous Petitions, if any pending, shall stand dismissed.

P.NAVEEN RAO, J

Date: 14.02.2019
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HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION No.682 OF 2006

Date:14.02.2019

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