

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.1361 of 2020

ORDER:

The present writ petition is filed to declare the action of the 2nd respondent-Station House Officer, Undavelly Police Station, Jogulamba Gadwal District in not entertaining the complaint of the petitioner to provide police aid to implement the injunction order dated 03.01.2017 in I.A.No.899 of 2016 in OS No.159 of 2016 on the file of the Senior Civil Judge, Gadwal, as being illegal, arbitrary and unsustainable in law.

Heard Sri K.V. Simhadri, learned counsel for the petitioner and the learned Assistant Government Pleader for Home and Sri Vedula Srinivas, learned counsel for the unofficial respondents 3 to 5.

It is seen from the record that the petitioner has made a representation dated 08.01.2020 to the 2nd respondent authority to extend the police aid for implementation of the injunction order dated 03.01.2017 in I.A.No.899 of 2016 in OS No.159 of 2016.

A perusal of the said injunction order would indicate that the injunction order passed in favour of the petitioner is an *ex parte* order. The learned counsel appearing for the unofficial respondents would submit that the respondents 3 to 5 in the present writ petition, who are the defendants in the said suit, have filed an IA for vacating the *ex parte* order and the matter is pending consideration by the trial Court

and in view of the above, extending the police aid for implementation of the *ex parte* injunction order would adversely affect the case of the petitioner. Further, such extending police aid would amount to prejudging the matter and the trial Court would be influenced by this Court granting such police aid, while deciding the I.A. filed for vacating the *ex parte* order. The learned counsel for the unofficial respondents would further submit that the police aid can be granted only in situations where the injunction order has attained finality at least at an interlocutory stage. He would further submit that in the present case, since the defendants/unofficial respondents have already filed an application for vacating the said *ex parte* injunction order, such police aid cannot be extended. He also brought to the notice of this Court the issue with regard to the extending of police protection for implementing the injunction orders passed by the trial Court, is the subject matter of consideration by a Full Bench of this Court.

However, a perusal of the docket order of the trial Court would indicate that despite the unofficial respondents having filed I.A. for vacating the interim order, the matter is being adjourned from time to time, wherein it is noted that both the parties are not ready.

Having regard to the fact that since I.A. for vacating the interim order is pending before the trial Court, it is noted that the parties to the said proceedings shall endeavour to have

the I.A. heard and disposed off before the trial Court at the earliest.

Subject to the above observations, no further orders need be passed in this writ petition. The writ petition is accordingly closed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 13.02.2020

Isn

T.VINOD KUMAR, J

