

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5617 of 2020

ORDER:

This writ petition is disposed of at the stage of admission with the consent of the learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly 3rd respondent in not implementing the orders passed in I.A.No.107 of 2019 in I.A.No.554 of 2018 in O.S.No.238 of 2018 dated 19/06/2019 on the file of the Court of Honourable III Additional Junior Civil Judge, Khammam, as illegal, arbitrary, violation of fundamental rights guaranteed under Articles 14, 21 and 300A of the Constitution of India and consequently direct the 2nd and 3rd respondents to implement the orders of the III Additional Junior Civil Judge passed in the above I.A. in its true spirit”.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Home appearing for the respondents.

It has been contended by the petitioners that they have filed a suit seeking permanent injunction before the III Additional Junior Civil Judge, Khammam and the competent court was pleased to grant ad-interim injunction in their favour. Later, they sought police protection in I.A.No.107 of 2019 and the court below was pleased to pass an order in favour of the petitioners on 19.06.2019 directing the 3rd respondent to provide police protection for implementing the order passed in I.A.No.554 of 2018 restraining the respondents therein from interfering with the schedule property till disposal of I.A.No.554 of 2018.

The grievance of the petitioners is that though the competent Civil Court directed the 3rd respondent to give police protection to

them, the 3rd respondent is not complying with the said order passed by the competent Civil Court.

Learned counsel appearing for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to comply the order passed by the competent Civil Court in I.A.No.107 of 2019 dated 19.06.2019 immediately and provide police protection to the petitioners.

Learned Government Pleader appearing for the respondents contends that since the competent Civil Court has granted order in favour of the petitioners, the 3rd respondent would comply the said order within a reasonable period of time.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the 3rd respondent to comply with the order passed by the III Additional Junior Civil Judge, Khammam in I.A.No.107 of 2019 in I.A.No.554 of 2018 in O.S.No.238 of 2018 dated 19.06.2019 and provide police protection to the petitioners as and when required, if the said order is still subsisting.

With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 13-03-2020
Prv

