

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 10376 OF 2020

Between:

Kandakatla Krishna Reddy, S/o. Ram Reddy, aged about 36 years, Occ: Business and Agriculture, R/o. H.No. 2-22, Almasguda village, Balapur Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Nalgonda District, Nalgonda.
3. The Station House Officer, Chintapalli Police Station, Nalgonda District.
4. Kaveti Srinivas Rao, S/o. Phakeera, aged about 49 years, Occ: Business, R/o. H.No. 107/B, Santoshnagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction of the respondent No. 3 in providing police aid to enforce the injunction orders granted in I.A.No 1324/2019 in O.S.No. 380/2019 dt. 22-5-2020 on the file of the Senior Civil Judge, Nalgonda inspite of the written complaint dt. 27-5-2020 followed by legal notice dt. 29-5-2020, as being illegal, arbitrary, unjust and unconstitutional.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.3 herein to consider the complaint dt. 27-5-2020 followed by legal notice dt. 29-5-2020 for providing police protection for implementation of the injunction orders granted in I.A.No 1324/2019 in O.S.No. 380/2019 dt. 22-5-2020 on the file of the Senior Civil Judge, Nalgonda, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI N. HARI PRASAD

Counsel for the Respondent Nos. 1 to 3: AGP FOR HOME

Counsel for the Respondent No.4: SRI KIRAN PALAKURTHI

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10376 of 2020

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondents 1 to 3 and Sri Kiran Palakurthi learned counsel appearing for the 4th respondent.

2. Petitioner claims that he is the owner of land to an extent of Ac.0.21 guntas in Sy.No.169/3/1 and Ac.0.21 guntas in Sy.No.169/3/2 of Chinthapally Revenue Village and Mandal, Nalgonda District, having purchased the same through registered sale deed dated 27.08.2019 and he was put in possession. Alleging that the 4th respondent was interfering in possession and enjoyment of the land, petitioner instituted O.S.No.380 of 2019 in the Court of Senior Civil Judge at Nalgonda. In I.A.No.1324 of 2019 in O.S.No.380 of 2019, the trial Court granted temporary injunction on 22.05.2020 and the said injunction order is in force. That being so, the 4th respondent continued to interfere in possession and enjoyment of the property. Therefore, petitioner seeks direction to grant police protection to enforce the injunction order granted in his favour. Petitioner alleges that soon after injunction order was granted, a request was made to the Station House Officer to provide police protection, but he has not considered the said request.

3. The 4th respondent filed counter affidavit. According to him he is the owner of land to an extent of Ac.3.03 guntas in Sy.No.169/EE2 of Chintapally Village and Mandal, Nalgonda

District. Aggrieved by the alleged interference by the petitioner in possession and enjoyment of the above extent of land, he instituted O.S.No.358 of 2019 in the Court of Senior Civil Judge, Nalgonda, praying to grant perpetual injunction. In I.A.No.1248 of 2019 in O.S.No.358 of 2019, the trial Court granted injunction in his favour. However, the interference continued. Therefore, he lodged a police complaint and on his complaint Cr.No.69 of 2020 was registered on 14.06.2020 in Chinthapalli Police Station for the offences under Sections 447, 427, 506 r/w. Section 34 of Indian Penal Code. It is therefore, the case of the 4th respondent that petitioner has no valid claim and that he has subsisting injunction order and petitioner cannot seek police protection to dislodge the petitioner from possession and enjoyment of the property.

4. The injunction order granted by the trial Court in both suits filed by the petitioner and 4th respondent respectively are enclosed to the writ petition and 4th respondent counter affidavit. The orders would disclose that the injunction orders were granted on respective properties against interference by the 4th respondent and petitioner respectively. Both injunction orders are ex parte injunction orders.

5. In the facts of this case, Court can not direct the respondent police to grant police protection in favour of petitioner as both are hotly contesting the rival claims and the issue needs to be decided by the competent Court after affording due opportunity to both parties.

6. At this stage, learned counsel for the petitioner sought to contend that the survey numbers mentioned by the petitioner and the survey number mentioned by the unofficial respondent are

different. It is again a matter to be considered by the trial Court. When there is a dispute regarding claim of properties and dispute regarding the survey numbers, this Court can not express any opinion and unless that dispute is resolved, petitioner cannot assert alleged interference by a person who is unconnected to the property. Therefore, the prayer in the writ petition can not be granted.

7. Writ Petition is accordingly, dismissed granting liberty to the petitioner to work out his remedies as available in law. Pending miscellaneous petitions shall stand closed.

//TRUE COPY//

SD/-K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri N. Hari Prasad, Advocate [OPUC]
2. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to Sri Kiran Palakurthi, Advocate (OPUC)
4. Two CD Copies.

MP



HIGH COURT

DATED:16/12/2020

ORDER

WP.No.10376 of 2020



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑥ VW
22/12/20