

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.29053 OF 2019

ORDER:

This Writ Petition is filed to declare the inaction of respondent Nos.1 and 3 in providing the police aid in implementing the decree of injunction in I.A. No.34 of 2017 in O.S. No.7 of 2017 on the file of Junior Civil Judge at Vemulawada, whereby the trial Court granted injunction in favour of the petitioner restraining the respondent/defendant in the suit from obstructing the petitioner's usage of the path way shown in red lines in the schedule/sketch annexed hereto for ingress and egress into his premises hearing Gram Panchayat Door No.2-67/E situated at Venkataopalli village of Boinapally Mandal of Rajanna Siricilla District from PWD road to reach the said premises, as being illegal, unjust.

Heard Sri Ponnamm Ashok Goud, learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

The trial Court in I.A. No.34 of 2017 in O.S. No.7 of 2017 has granted injunction restraining the respondents in the suit who are defendant Nos. 4 and 5 in the present Writ Petition from obstructing the petitioner/plaintiff from using the way as shown in the red lines in the schedule/sketch map annexed for ingress and egress into his premises bearing Gram Panchayat bearing No.2-67/E and also restrain the

respondent/defendant from occupying the said common way till the disposal of the main suit.

Learned Counsel for the petitioner submits that an additional affidavit has been filed by the petitioner indicating that the said injunction order passed by the trial Court is subsisting.

Learned Assistant Government Pleader for Home submits that since there is no specific direction from the concerned Court, the respondent police authorities have not extended the police aid. He would further submit that if such a direction is given, the authorities would extend the necessary police aid.

Having regard to the fact that an injunction order has been granted by the trial Court and since the same is subsisting, the petitioner would be entitled to enjoy the benefit of the said injunction order. Therefore, the 3rd respondent is hereby directed to extend the necessary police aid to protect the interests of the petitioner for implementation of the injunction order passed by the trial Court in I.A. No.34 of 2017 in O.S. No.7 of 2017, upon the petitioner approaching the respondent police authorities, till such time, such injunction order is either vacated or modified by the same Court or by the higher Court.

Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 21.01.2020

MRKR

