

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.29090 of 2019

ORDER:

The present writ petition is filed to declare the action of respondents 2 to 4 in not providing police aid to the petitioner and her property, admeasuring Ac.1.03 guntas, in Survey No.1712/1, situated at Chandapalli Hamlet of Peddapalli, by proceeding with the investigation against the 5th respondent, despite registering crimes based on the complaint of the petitioner and while subsisting the *ex parte* injunction order, dated 24.03.2015, passed in I.A.No.44 of 2015 in O.S.No.15 of 2015 on the file of the learned Junior Civil Judge, Peddapalli, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 03.01.2020, a copy of which is placed on record of this Court, submits that based on the complaints lodged by the petitioner, three cases have been registered against the 5th respondent and the authorities, after investigating into the above crimes, have filed charge sheets and the cases are pending trial, *vide* C.C.Nos.406 of 2017, 398 of 2018 and 898 of 2019 before the learned Judicial First Class Magistrate, Peddapally.

4. It is seen from the material placed before this Court that the petitioner had obtained an *ex parte* injunction order in I.A.No.44 of 2015 in O.S.No.15 of 2015 and the same is in subsistence till date. Though the 5th respondent and other defendants in the said suit appeared in the

matter before the trial Court, no steps have been taken to get the said *ex parte* injunction order vacated till date. Further, in order to seek enforcement of the said injunction order, the petitioner has filed I.A.No.333 of 2015 in I.A.No.44 of 2015 in O.S.No.15 of 2015 on the file of the learned Junior Civil Judge, Peddapalli, seeking police aid for implementation of the *ex parte* injunction order.

5. By placing the docket proceedings in I.A.No.333 of 2015, learned counsel for the petitioner would submit that though the 5th respondent and other defendants in the suit, being represented before the trial Court, have not filed any counter thereto and the said I.A. has been pending on the file of the learned trial Court since 2015 and is being adjourned at the request of the learned counsel for filing counter. It is also stated that presently when the matter was called on 31.01.2020, the same was adjourned to 1st week of April, 2020, for filing of counter by the contesting respondents.

6. Learned counsel for the petitioner also submits that the petitioner has also moved another application, being I.A.No.335 of 2015, under Order 39 Rule 2-A CPC against the 5th respondent and others, to send the 5th respondent and other defendants in the suit to civil prison for three months for violating the ad interim injunction order, and the said application is also pending consideration before the trial Court.

7. Having regard to the submissions made and perusing the documents placed on record, this Court is of the view that the 4th respondent be directed to extend police aid for implementing the *ex parte* injunction order passed in I.A.No.44 of 2015 in O.S.No.15 of 2015 on the file of the learned Junior Civil Judge, Peddapalli, till such time, the said injunction order is either vacated, modified or set aside by the same Court

or by the Higher Court, or till I.A.No.333 of 2015 filed therein is disposed of.

8. Subject to the above observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:06.02.2020

GJ

