APHC010421252023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 22070/2023

Between:

1. BOBBADI SATYANARAYANA, S/O LATE NARAYANAMURTHY, HINDU, AGED 47 YEARS, CULTIVATION, R/AT DANDISURAYARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT, (OLD DISTRICT IS VISAKHAPATNAM).

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY (HOME DEPARTMENT) SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE SUPERINTENDENT OF POLICE, (S.P.), ANAKAPALLI DISTRICT, ANAKAPALLI.
3. THE CIRCLE INSPECTOR OF POLICEC I, CHODAVARAM CIRCLE, CHODAVARAM, ANAKAPALLI DISTRICT.
4. THE STATION HOUSE OFFICERS H O, , CHIDIKADA POLICE STATION, CHIDIKADA, ANAKAPALLI DISTRICT.
5. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY (REVENUE DEPARTMENT) SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
6. THE DISTRICT COLLECTOR, ANAKAPALLI DISTRICT, ANAKAPALLI.
7. THE REVENUE DIVISIONAL OFFICER, (RDO), ANAKAPALLI, ANAKAPALLI DISTRICT.

8. THE THASILDHAR, CHIDIKADA MANDAL, CHIDIKADA, ANAKAPALLI DISTRICT.

9. BOBBADI VENKATA RAMAN, S/O NARAYANAMURTHY, AGED 67 YEARS, CULTIVATION, R/AT. D.NO. 08-11-2022, DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

10. BOBBADI YESURAJU, S/O VENKATA RAMAN, AGED 36 YEARS, CULTIVATION, R/AT. D.NO. 08-11-2022, DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

11. BOBBADI JAYARAJ, S/O VENKATA RAMAN, AGED 34 YEARS, CULTIVATION, R/AT. D.NO. 08-11-2022, DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

12. BOBBADI NARAYANARAJ, , S/O VENKATA RAMAN, AGED 28 YEARS, CULTIVATION, R/AT. D.NO. 08-11-2022, DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

13. BOBBADI VENKATA LAKSHMI, W/O YESURAJU, AGED 32 YEARS, CULTIVATION, R/AT. D.NO. 08-11-2022, DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

14. DADI YESTER RANI, , W/O SURESH, D/O BOBBADI VENKATA RAMAN, AGED ABOUT 37 YEARS, HINDU, CULTIVATION, R/AT. DANDI SURAVARAM VILLAGE, CHIDIKADA MANDAL, ANAKAPALLI DISTRICT.

...RESPONDENT(S):

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 topleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents are in not to conducting any enquiry on my representation and not to providing police aid and also protect to my property rights from the unofficial respondents in respect of the properties of an extent in the dray land the dray land in Khatha No. 224 in S. No. 91/1 in an extent of Ac. 0.08 cents, dray land in S.No. 44/2 in an extant of Ac. 0.27 cents, dray land in S.No. 44/2 in an extant of Ac. 0.49 cents, dray land in S.No. 103/10 in an extant of Ac. 0.06 Cents, S.No. 103/1I in an extant of Ac.0.02cents, S.No. 103/12 of Ac.0.03

cents, S.No. 103/13 of Ac.0.06 cents, S.No. 103/13 of Ac. 0.16 cents and also they are plowed the embanks of the lands which is purchased by me in S.No. 103/20 of Ac. 0.15 cents, in S.No. 103/20 of Ac. 0.05 cents, in S.No. 103/21 of Ac. 0.10 cents, in S.No. 126/2 of Ac.0.25 cents, in S.No. 126/3 of Ac.0.09 cents, admeasuring total an extent of Ac. 181 Cents and the entire lands are situated at Dandi Suravaram Village of Chidikada Mandal, Anakapalli District illegal acts is illegal, arbitrary, violation of my fundamental rights and breach of the principles of natural justice and also offends under Articles, 14, 21 and 300-A of the Indian constitution.

IA NO: 1 OF 2023

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 pleased to direct the Respondents to consider the complaints dated; 13-06-2023 and conduct the enquiry and further direct the respondents to provide police aid/protection and see to it that the unofficial respondents shall not interfere and with the possession and enjoyment of petitioners lands in an extent in the dray land in Khatha No. 224 in S. No. 91/1 in an extent of Ac. 0.08 cents, dray land in S.No. 44/2 in an extant of Ac. 0.27 cents, dray land in S.No. 44/2 in an extant of Ac. 0.49 cents, dray land in S.No. 103/10 in an extant of Ac. 0.06 Cents, S.No. 103/11 in an extant of Ac.0.02cents, S.No. 103/12 of Ac.0.03 cents, S.No. 103/13 of Ac.0.06 cents, S.No. 103/13 of Ac. 0.16 cents and also they are plowed the embanks of the lands which is purchased by me in S.No. 103/20 of Ac. 0.15 cents, in S.No. 103/20 of Ac. 0.05 cents, in S.No. 103/21 of Ac. 0.10 cents, in S.No. 126/2 of Ac.0.25 cents, in S.No. 126/3 of Ac.0.09 cents, admeasuring total an extent of Ac. 181 Cents and the entire lands are situated at Dandi Suravaram Village of Chidikada Mandal, Anakapalli District pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. SIMHACHALAM KARUKOLA

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

WRIT PETITION No: 22070 OF 2023

ORDER:

This petition is filed by the petitioner seeking a direction to the respondent police to consider the complaints dated 13.06.2023, conduct an inquiry thereon and extend police aid/protection to ensure that the unofficial respondents do not interfere with the peaceful possession and enjoyment of the petitioner over the lands situated in Survey Nos.91/1, 44/2, 103/10, 103/11, 103/10 to 103/13, 103/20, 103/21, 126/2 and 126/3 of Dandi Suravaram Village, Chirikada Mandal.

2. The case of the petitioner is that he is the absolute owner of the lands situated in the aforementioned survey numbers, as well as the lands situated in Survey Nos.44/5, 118/9 and 118/10. It is contended that the unofficial respondents, namely respondent Nos.9 to 14, have been interfering with his possession and attempting to grab his properties. The petitioner states that he filed O.S.No.138 of 2009 seeking a decree of perpetual injunction and that the suit was decreed. The first appeal preferred by the unofficial respondents was dismissed and the second appeal preferred by the defendants therein was also dismissed at the admission stage. According to the petitioner, notwithstanding the decree obtained by him, the unofficial respondents have been interfering with his possession. Though he submitted representations to the police, the respondent police failed to extend police aid to enable him to peacefully enjoy the lands. It is also alleged that the petitioner apprehends threat to his life at the hands of the unofficial respondents.

3. The learned Assistant Government Pleader placed on record the written instructions of the Station House Officer, Chirikada Police Station, Anakapalle District, stating that civil and criminal disputes are pending between both parties. It is stated that, upon considering the representation dated 13.06.2023 submitted by the petitioner against respondent Nos.9 to 14 alleging trespass

into the lands situated in Survey Nos.126/2, 125/10 and 103/20, the same was acknowledged vide receipt No.125/2023, and the petitioner was advised to approach the competent civil court, as the existing disputes are between the petitioner and other legal heirs in respect of the subject lands. It is further stated that, based on the reports lodged by the petitioner, three crimes were registered against the respondents and, based on the reports lodged by the respondents, two crimes were registered against the petitioner side, and all the said cases are pending. It is also stated that respondent Nos.1 to 4 have neither violated any fundamental rights nor breached the principles of natural justice and that they would not interfere in the civil disputes between the petitioner and the unofficial respondents.

4. Heard Sri Simhachalam Karukola, learned counsel for the petitioner, and the learned Assistant Government Pleader for Home.

5. Learned counsel for the petitioner submitted that, despite obtaining a decree of permanent injunction against respondent Nos.9 to 14, they have been continuously interfering with the possession of the petitioner, resulting in the registration of cross-criminal cases. It is contended that the police are obligated to extend assistance for enforcement of the decree of the civil court.

6. Per contra, the learned Assistant Government Pleader submitted that there are serious factual disputes with regard to the actual physical possession of the subject lands. Since cross-cases have been registered between the parties, it is contended that the petitioner ought to approach the competent executing court under the Code of Civil Procedure rather than invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7. As seen from the record, admittedly there are serious civil disputes between the petitioner and respondent Nos.9 to 14, who are none other than close relatives. The record further reveals that the petitioner previously filed O.S.No.138 of 2009 in respect of lands admeasuring 20 cents, 31 cents and 20 cents situated in Survey Nos.45/5, 118/9 and 118/10, and obtained a

decree of perpetual injunction. Aggrieved by the said decree, the defendants therein preferred a first appeal, which was dismissed, and the second appeal preferred by them was also dismissed at the admission stage. It is significant to note that the schedule properties involved in the said suit are entirely different from the subject lands in the present writ petition. In the present case, according to the petitioner, respondent Nos.9 to 14 are allegedly attempting to trespass into the lands situated in Survey Nos.91/1, 44/2, 103/10 to 103/13, 103/20, 103/21, 126/2 and 126/3, admeasuring Ac.1.81 cents in all. Therefore, the petitioner cannot rely upon the decree obtained in O.S.No.138 of 2009 to seek police aid in respect of lands which were not the subject matter of that suit.

8. Further, the Code of Civil Procedure provides a comprehensive mechanism under Order XXI Rule 32 read with Section 151 CPC for enforcement of an injunction decree and, where warranted, for seeking appropriate assistance from the executing court. When an efficacious statutory remedy is available before the competent civil court, the extraordinary jurisdiction under Article 226 of the Constitution of India cannot ordinarily be invoked as a substitute for execution proceedings. More particularly, when cross-criminal cases are pending between the parties and disputed questions regarding actual physical possession arise, issuance of a blanket direction for police aid would amount to this Court entering into disputed questions of fact and, in effect, converting its writ jurisdiction into an execution forum. The appropriate course for the petitioner, if he seeks enforcement of the decree, is therefore to approach the competent executing court in accordance with law.

9. In this regard, it is apposite to refer to the judgment of the Hon'ble Supreme Court in ***Kanwar Singh Saini v. High Court of Delhi***[1] wherein it was held that, for enforcement of a decree of permanent injunction or for

[1] 2012 (4) SCC 307

taking action for its violation, the Code of Civil Procedure provides a complete mechanism under Order XXI Rule 32 CPC and that a litigant cannot bypass the statutory execution remedy provided under the CPC by directly approaching the High Court under its writ jurisdiction. Further, in ***P. R. Muraleedharan and others v. Swami Dharmananda Teertha Padagal and others***[2], the Hon'ble Supreme Court held that the writ jurisdiction under Article 226 of the Constitution cannot be converted into an execution forum and where there are cross-criminal cases, disputed facts or pending questions concerning physical possession, the police cannot be made a party to private civil rivalries and the aggrieved party must ordinarily avail the remedy before the competent civil court.

10. So far as the involvement of the respondent police in civil disputes is concerned, it is well settled that the police cannot adjudicate or interfere in disputes which are purely civil in nature. The duty to adjudicate civil rights and resolve disputes relating to title and possession is entrusted to the competent civil courts. The police cannot assume the role of a civil court or determine the rights of rival claimants. At the same time, this principle does not preclude the police from taking action in accordance with law where a cognizable offence is committed or where criminal proceedings are otherwise lawfully pending. Thus, while the police cannot interfere in the civil dispute merely at the instance of either party, they are bound to act in accordance with law in respect of any independent criminal offence disclosed or any criminal case duly registered. It is already stated above that criminal cases are registered vice versa. Learned counsel for the petitioner submitted that the petitioner has threat in the hands of the unofficial respondents. It is needless to say that they can approach the concerned police, by whom the crimes are registered or the concerned court seeking protection, and in such a case, either the concerned police or the court shall consider the request so as to take protective measures.

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[2] 2006 (4) SCC 501

11. The learned Assistant Government Pleader fairly submitted that the respondent police have not been interfering in the civil disputes between the petitioner and respondent Nos.9 to 14 and that they would not interfere with such disputes in future, except in accordance with law. The said position is also recorded in the written instructions filed on behalf of the respondent police. Learned counsel for the petitioner also fairly submitted that the writ petition may be disposed of by recording the said undertaking of the respondent police.

12. ***In the result***, this writ petition is disposed of by recording the undertaking of the respondent police that they shall not interfere in the civil disputes between the petitioner and respondent Nos.9 to 14, except in accordance with law, including in respect of the pending criminal matters. It is made clear that this order shall not preclude the petitioner from availing the appropriate remedy before the competent civil/executing court for enforcement of any decree or for adjudication of his civil rights. There shall be no order as to costs.

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

SUNITHA GANDHAM, J

07.10.2026

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