

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE FOURTH DAY OF JULY TWO THOUSAND AND NINETEEN
:PRESENT:

THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITION NO: 13324 OF 2019

Between:

Samanthula Satyanarayana, S/o.Late Appalaswamy



...Petitioner

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Bhadradi Kothagudem District, At Kothagudem.
3. The Sub-Divisional Police Officer, Kothagudem Sub-Division, Bhadradi Kothagudem District.
4. The Circle Inspector of Police, I-Town Police Station, Kothagudem Town, Bhadradi Kothagudem District.
5. The Station House Officer, I-Town Police Station, Kothagudem Town, Bhadradi Kothagudem District.
6. Vaddari Bhaskar, S/o.Nagaraju, Age 36 years, R/o. Gangabishan Basti, Kothagudem Town & Mandal, Bhadradi Kothagudem District.
7. Konuguri Anantha Lakshmi, W/o.Rayamallu, Age 60 years, R/o.13-3-46, Gangabishan Basti Kothagudem Town & Mandal, Bhadradi Kothagudem District.

...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 in the nature of Writ of Mandamus declaring the action of the respondent No.2 to 5 in calling the petitioner to 5th respondent Police and insisting to stop the construction of compound wall of petitioners House bearing No.13-3-48/3 in an extent Ac. 1-10 gts., in Sy.No.143 in Ward No.6 at Gangabishan Basti, Kothagudem Town & Mandal Bhadradi Kothagudem District, as illegal, arbitrary, without jurisdiction and violation of fundamental rights guaranteed by the Constitution of India and consequently direct the respondents No.4 and 5 not to interfere with petitioner's peaceful possession, enjoyment with regard to the construction of compound wall.

IA NO: 1 OF 2019

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 respondents No.4 to 7 not to interfere with the construction of compound wall of petitioner's House bearing No.13-3-48/3 in an extent Ac.1-10 gts., in Sy.No.143 in Ward No.6 at Gangabishan Basti, Kothagudem Town & Mandal Bhadradi Kothagudem District pending disposal of WP.No.13324 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI GOPINATH LAKKINENI, Advocate for the Petitioner, GP FOR HOME for the Respondent Nos.1 to 5, the Court made the following.

ORDER:

The case of the petitioner is that he filed OS.No.9 of 2008 for perpetual injunction against the respondent No.6 and the same was decreed. When the 6th respondent and his henchmen obstructed the construction of petitioner's house by disobeying the decretal order in OS.No.9 of 2008, petitioner filed EA.No.349/2008 in EP.No.218/2008 in OS.No.9/2008 and the Court below ordered the enforcement of the orders in OS.No.9/2008 on 07.07.2008, directing the 5th respondent to provide police aid to the petitioner. Since the 5th respondent has not chosen to provide police aid to the petitioner, he filed WP.No.32113 of 2011 before this Court and this Court disposed of the said petition on 06.01.2012, basing on the counter affidavit wherein the 2nd respondent therein stated that they are ready and willing to provide police protection to the petitioner as and when petitioner approaches them. Thereafter, again, when the 6th respondent and his henchmen started interrupting petitioner's peaceful possession over his house property, the petitioner filed EA.No.19/2018 in EP.No.16/2018 in OS.No.9/2008 and the same was ordered by the Prl.Junior Civil Judge, Kothagudem, to provide police aid to the petitioner. When the 4th and 5th respondents, again, have not chosen to provide police aid to the petitioner, the petitioner filed WP.No.5553 of 2019 which was dismissed by this Court by order dt.19.03.2019 recording the written instructions furnished by the Inspector of Police, I town Police Station, Kothagudem dt.18.03.2019, that the petitioner has not come to the police station informing the direction issued by the competent Court to provide police aid; that therefore on 16.03.2019 notice was served on the petitioner to come to the police station and make a representation; and that if such representation is made, they are ready to provide police protection to the petitioner.

Immediately, after dismissal of the above writ petition, petitioner rushed to 4th and 5th respondents to provide police aid and that thereafter no one has interfered with petitioner's house property for some time. But, when the petitioner again started construction of compound wall the respondents 4 and 5 again threatened the petitioner with dire consequences and pressurizing the petitioner to settle the matter with the 6th and 7th respondents.

Learned Assistant Government Pleader for Home on instructions submits that whenever petitioner approaches the police, they will give necessary police aid.

In view of the aforesaid submission, the petitioner is directed to approach the respondent police seeking police aid by producing a copy of order dt.19.03.2019 passed by the Court below in EA.No.19/2018 in EP.No.16/2018 in OS.No.9 of 2008 and on production of such order the respondents 4 and 5 are directed to provide necessary police aid to the petitioner. However, the respondent police shall not pressurize the petitioner to settle the dispute with the 6th and 7th respondents.

SD/- CH.VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Superintendent of Police, Bhadradi Kothagudem District, At Kothagudem.
3. The Sub-Divisional Police Officer, Kothagudem Sub-Division, Bhadradi Kothagudem District.

4. The Circle Inspector of Police, I-Town Police Station, Kothagudem Town, Bhadradi Kothagudem District.
5. The Station House Officer, I-Town Police Station, Kothagudem Town, Bhadradi Kothagudem District.
6. Vaddari Bhaskar, S/o.Nagaraju, R/o. Gangabishan Basti, Kothagudem Town & Mandal, Bhadradi Kothagudem District.
7. Konuguri Anantha Lakshmi, W/o.Rayamallu, R/o.13-3-46, Gangabishan Basti Kothagudem Town & Mandal, Bhadradi Kothagudem District (RR 1 to 7 by RPAD).
8. One CC to SRI. GOPINATH LAKKINENI, Advocate [OPUC].
9. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT].
10. One spare copy
ZEE



HIGH COURT

ARRJ

DATED:04/07/2019

ORDER

WP.No.13324 of 2019

DIRECTION

