

**THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT PETITION No.24056 of 2022**

**ORDER:**

The petitioners are aggrieved by the inaction of the respondent No.4 in provided police protection to the petitioner and her family members against the respondents No.5 to 7 in respect of land admeasuring Ac.1.00 guntas in Sy.No.s194 and 195, situated at Sahebnagar Kalan Village, Hayathnagar Revenue Mandal, Ranga Reddy District.

2. It is the case of the petitioner that she is the absolute owner of the land admeasuring Ac.0.16 guntas in Sy.No.194 and land admeasuring Ac.0.04 guntas in Sy.No.195, total admeasuring Ac.0.20 guntas, Sahebnagar Kalan Village, Hayathnagar Revenue Mandal, Ranga Reddy District, having acquired the same through registered gift deed bearing document No.29964/2016 dated 18.11.2016. The petitioner also claims to be owner of an extent of Ac.0.20 guntas of land out of Ac.2.02 guntas in Sy.No.194 in the same village, having acquired the same through registered sale deed bearing document No.1861/1999. The vendors of the petitioner are family members of the respondents No.5 and 6.

3. It is further stated that the petitioner recently came to India and on 07.11.2021, when she went to visit her properties, one Sanyasi alias Madhanam Chinna Yadaiah, S/o. Chandraiah,

his son Madhanam Sekhar, S/o. Chinna Yadaiah, his three daughters, who are vendors of the petitioner, tried to damage the boundary stones in the subject land, which were existing since the time of purchase. When the petitioner questioned, the respondents No.5 and 6 threatened her and her parents with dire consequences. The petitioner filed a suit in O.S.No.890 of 2021 before the Junior Civil Judge, Ranga Reddy District at Hayathnagar, against the family members of the respondents No.5 and 6, for perpetual injunction. Thereafter, the parties entered into a compromise and decree was passed on 05.01.2022 in terms of the compromise. Later, for reasons best known to the respondents No.5 and 6, when they started trying to interfere with the possession of the petitioner, another suit in O.S.No.78 of 2022 was filed for perpetual injunction and ad-interim injunction was granted on 20.01.2022 in IA.No.65 of 2022.

4. It is further stated that in spite of injunction order, the respondents No.5 and 6 started threatening the petitioner and got registered two cases against the petitioner in Cr.No.126 of 2022 for the offences under Sections 341, 323, 506 IPC and Cr.No.208 of 2022 for the offences under Sections 447, 354-B, 506 read with Section 34 IPC and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The petitioner also filed a case against the respondents No.5

and 6 in Cr.No.52 of 2022 for the offences under Sections 447, 506 read with Section 34 IPC.

5. Learned counsel for the petitioner contended that the petitioner purchased the property from the respondents No.5 and 6 in the year 1999 and that the respondents No.5 and 6 trespassed into the lands damaging the fencing. The respondents No.5 and 6 are threatening the petitioner that they will lodge a complaint against the petitioner under the SC&ST Act and continuously trying to dispossess the petitioner from the subject land. The petitioner approached the Vanasthalipum Police Station and submitted representation on 02.03.2022 seeking police station from the respondents No.5 to 7. As the police have not acted upon the representation of the petitioner, the petitioner is constrained to approach this Court.

6. Notice sent to the respondents No.5 to 7 returned with an endorsement 'Insufficient Address'. However, the learned counsel for the petitioner submitted that the address to which the notice was sent was the address shown in the suit cause title in O.S.No.78 of 2022 and the unofficial respondents have appeared in the suit.

7. In the counter filed by the respondent No.4, it is submitted that following crimes were registered on the file of the respondent No.4 pertaining to the subject matter involved in this writ petition:

1. Crime No.125 of 2022 Dated: 0102.2022 for the offences under Sections 447, 427, 324 R/w. 34 of IPC lodged by the Petitioner herein against Madanam Shankar, Madhanam, Bhagyamma and others. After completion of investigation charge sheet has been filed on the file of the Hon'ble XXIV Addl. Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District vide C.C.No.655 of 2022 Dated: 29.03.2022 and the same is pending for trial.
2. Crime No.126 of 2022 for the offences under Sections 341, 323, 506 R/w. 34 of IPC & Section 3(2)(Va) of SC & ST (POA) Amendment Act 2015, lodged by Smt. Madanam Bhagya against Prasad Rao, Prabhakar Reddy, Kokila, Prabhu and others and the investigation is under progress. After finalizing the investigation, an appropriate report will be filed before the competent court.
3. Crime No.207 of 2022 for the offences under Sections 447, 509, 506 IPC, lodged by Smt. Donepudi Sandhya against E. Kamalamma, N. Sharadha, M. Ruchitha, K. Kalpana, M. Bhagyamma Sushmitha. After completion of investigation charge sheet has been filed on the file of the Hon'ble XXIV Addl. Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District on 07.05.2022 and CC.No. is awaited.
4. Crime No.208 of 2022 for the offences under Sections 447, 354B, 506 R/w. 34 of IPC and Section 3(1) (r)(s) & 3(2)(Va) of SC ST POA Act, lodged by Smt. Madanam Bhagya against Chalasani Siva Rama Prasad, Suresh Babu, Sandhya Kokila, Sivaram's son and the investigation is under progress. After finalizing the investigation, an appropriate report will be filed before the competent court.

5. Crime No.52 of 2022 Dated: 12.01.2022 for the offences under Sections 447, 506 R/w. 34 of IPC, lodged by Smt. M. Bhagya against Prasad Rao, Prabhakar Reddy and others and the investigation is under progress. After finalizing the investigation, an appropriate report will be filed before the competent court.

8. The complaint of the petitioner has been enquired into and the police have not received any representation from the petitioner and as and when the petitioner approaches the police with fresh complaint, the respondent No.4 will take necessary action as per law.

9. Taking into consideration the above facts and circumstances, the main prayer and the pendency of the suit in O.S.No.78 of 2022, this Court is not inclined to pass any orders. The petitioner is given liberty to approach the Junior Civil Judge, Ranga Reddy at Hayathnagar, and file an application under Order 39 Rule 2-A of the Code of Civil Procedure, 1908 to punish the unofficial respondents for disobedience of injunction order if any or an application under Section 151 CPC for granting police aid to implement the injunction order.

10. In the opinion of this Court, the petitioner has not made out any case of emergent situation warranting indulgence of this Court for grant of police aid. Unless some material is placed before this Court to demonstrate that the unofficial respondents have acted in

contravention of law, have acted highhandedly and that there is breach of peace and tranquillity, normally, this Court would not interfere in civil disputes. From the averments in the writ affidavit, it is found vague allegations are made against the unofficial respondents that they are trying to falsely implicate the petitioner in criminal cases and that *per se* would not give rise to any cause of action to seek police protection. However, as it is stated by the respondent-police that the complaint of the petitioner will be looked into as and when filed, and if necessary, action will be taken, this Court is not inclined to grant any relief.

The writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

November 11, 2022  
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**B. VIJAYSEN REDDY, J**