

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

+ WRIT APPEAL No.660 of 2022

% Date: 17.10.2022

Kabbakula Padma

... Appellant

v.

\$ State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Hyderabad, and others.

... Respondents

! Counsel for the appellant : Mr. V.V.Rahavan

^ Counsel for respondents No.1 to 3: Mr. T.Srikanth Reddy,
Government Pleader for Home

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? CASES REFERRED:

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT APPEAL No.660 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. V.V.Raghavan, learned counsel for the appellant and Mr. T.Srikanth Reddy, learned Government Pleader for Home appearing for respondents No.1 to 3.

2. This writ appeal has been preferred against the order dated 14.07.2022 passed by the learned Single Judge disposing of W.P.No.29061 of 2022.

3. Appellant as the writ petitioner had filed the related writ petition seeking a direction to respondents No.2 and 3 to provide police protection to enforce her right against respondent No.4 for cultivation in land admeasuring Ac.0.09 guntas in Survey No.111/A, Ac.0.08 guntas in Survey No.111/A/1, Ac.0.36 guntas in Survey No.142 and Ac.0.36 guntas in Survey No.142/A situated at Nadiwada Village, Mahabubabad Mandal and District .

4. According to the appellant, she has filed O.S.No.267 of 2021 against respondent No.4 for permanent injunction in respect of the above land. She has also filed I.A.No.2 of 2021 in the aforesaid civil suit for *ad interim* injunction. By the order dated 26.11.2021, the civil Court granted *ad interim* injunction in favour of the appellant by restraining respondent No.4 from interfering with the peaceful possession and enjoyment of the above land by the appellant. Contending that respondent No.4 was obstructing the appellant from enjoying her property, appellant approached respondents No.2 and 3 seeking police protection. As police protection was not provided, appellant filed the related writ petition.

5. Learned Single Judge disposed of the writ petition observing that no such relief as sought for by the appellant could be passed based on an *ad interim* injunction in favour of the appellant. The writ petition was disposed of with liberty to the appellant to avail the other remedies.

6. We concur with the view taken by the learned Single Judge. Availing the assistance of the police or seeking

police protection for enforcement of injunction order without approaching the civil Court granting the injunction order is not provided under the Code of Civil Procedure, 1908 (CPC). In fact, such shortcut method is not to be encouraged bypassing the procedure under CPC. Order XXXIX Rule 2A of CPC deals with consequence of disobedience or breach of injunction. Sub-rule (1) thereof says that in case of disobedience of any injunction granted under Rules 1 and 2 or breach of any of the terms of injunction, the Court granting injunction may order the property of the person guilty of such disobedience or breach to be attached and may also order such person to be detained in the civil prison for a term not exceeding three months. Sub-rule (2) clarifies that such attachment shall not remain in force for more than one year. However, if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto. Thus, CPC provides for adequate remedy

to a person who is aggrieved by disobedience or breach of an order of injunction.

7. Therefore, seeking police protection or police aid to enforce an order of injunction is not contemplated under the law.

8. That being the position, we are of the view that such writ petitions seeking direction to provide police protection in furtherance of injunction order should not be ordinarily entertained.

9. In view of the above, the writ appeal is dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

17.10.2022

Note: LR copy to be marked.
B/o.
vs