

HON'BLE Ms. JUSTICE B.S.BHANUMATHI

WRIT PETITION No.9654 OF 2023

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the writ petitioners seeking the following relief:

“...to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents 2 to 4 in not acting upon the representation dt.18.07.2022 and to grant police aid to protect the lands of petitioner to an extent of Ac.3.00 cents in Sy.No.14 in Allipalli Village, Chintalapudi Mandal, West Godavari District and pass such other order or orders....”

2. Heard Sri A.Samir Kumar Reddy, learned counsel appearing for the writ petitioners and the learned Government Pleader for Home appearing for respondents 1 to 4.

3. Learned Government Pleader for Home submitted that on receipt of the complaint from the petitioner, a G.D. entry was made on 13.01.2023 and since it is a civil dispute, the petitioner was directed to prosecute the civil remedy.

4. The matter involved in this writ petition is the execution of decree dt.20.07.2017 for permanent injunction in O.S. No.85

of 2012 before the Court of Junior Civil Judge, Chintalapudi against respondents 5 to 10 herein passed by the civil court and the petitioner has already approached the civil court for execution of the order and it seems that warrant was directed to be issued in the year 2018. The writ petitioners complain that the said warrant has not been taken forward for one reason or the other.

5. Sub-Rule (5) of Rule 32 of Order XXI of the Code of Civil Procedure, 1908 gives the authority to the execution court to pass appropriate order for implementation of the orders referred therein, but there is no corresponding duty on the part of the police to give protection in the absence of an order of court in civil matter. Hence, the present writ petition does not lie and accordingly, the writ petition is closed. There shall be no order as to costs.

6. Pending miscellaneous applications, if any, in this writ petition shall stand closed.

B.S.BHANUMATHI, J

Dt. 25.04.2023
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