

(2014) 06 AP CK 0186

Andhra Pradesh High Court

Case No: Writ Petition Nos. 14659 of 2007 and 14206 of 2010

M. Ramakrishna Reddy

APPELLANT

Vs

Mandal Executive
Magistrate and Mandal
Revenue Officer,
Gorantla Mandal

RESPONDENT

Date of Decision: June 18, 2014

Citation: (2014) 2 ALD(Cri) 997

Hon'ble Judges: A. Ramalingeswara Rao, J

Bench: Single Bench

Advocate: Kothapalli Ram Mohan Chowdary and N. Aswartha Narayana, Advocate for the Appellant

Judgement

@JUDGMENTTAG-ORDER

A. Ramalingeswara Rao, J.

Heard Government Pleader for respondents 1 to 3 learned Counsel for the petitioners, learned and learned Counsel for the 4th respondent. The 4th respondent filed a separate petition WP No. 14206 of 2010 and in view of common facts in both the cases, they are being disposed of by this common order.

2. The petitioners in WP No. 14659 of 2007 challenge the proceedings dated 18.11.2006 of the first respondent addressed to the Station House Officer, Gorantla Police Station, instructing him to provide necessary protection to the 4th respondent and report compliance. The petitioners in WP No. 14206 of 2010 challenge the inaction of the 2nd respondent in not providing police protection to their possession of lands.

3. In the impugned order it was stated that the 4th respondent in WP No. 14659 of 2007 submitted a representation stating that he possessed lands of an extent of Acs. 2.12 cents in Survey No. 626-10A, an extent of Ac. 0.37 cents in Survey No. 626-11, an extent

of Ac. 1.73 cents in Survey No. 627-11 and an extent of Ac. 0.62 cents in Survey No. 632/3 of Vanavolu Village and there was a dispute between himself and the petitioners in WP No. 14659 of 2007 in Senior Civil Judge's Court, Hindupur. He further stated that the judgment was rendered in his favour and he was in enjoyment of the properties. Even though the judgment was in his favour, the petitioners in WP No. 14659 of 2007 have been objecting and preventing him from entering into the land. He also stated that there is a danger to his life and requested protection.

4. In view of excess of jurisdiction exhibited by the first respondent, it is not necessary to record the result of various suits pending between the petitioners and the 4th respondent. The learned Counsel for the petitioners relied on the decision in A. Ramanjaneyulu and others v. Mandal Revenue Officer, Kundirpi Mandal, Anantapur District and others, 2009 (1) ALD 686, in support of his contention that the first respondent has no jurisdiction to pass the impugned order and any bona fide dispute relating to the immovable property is required to be settled before a competent forum and the first respondent has no jurisdiction to direct the Station House Officer to prevent the petitioners from entering into the land in dispute. He also relied on another decision in [T. Mallikarjuna and three Others Vs. The State of Andhra Pradesh and eight Others](#), wherein also it was held that the Mandal Revenue Officer has no jurisdiction to pass orders of police protection in respect of pending disputes.

5. The learned Counsel for the 4th respondent in WP No. 14659 of 2007, on the other hand, submits that those decisions relate to the orders passed by the Mandal Revenue Officer in respect of pending matters, whereas in the cases between the 4th respondent and the petitioners decrees were also passed and no case is pending between them.

6. Even in case of decrees the first respondent has no jurisdiction to issue a direction of the nature mentioned in the impugned order directing police protection to one party or other. The impugned order is clearly beyond the jurisdiction of the first respondent. The successful party if he wants to seek any police protection, he has to approach competent authority/Court seeking a direction, but the Mandal Revenue Officer is not the competent authority in a case like this. In view of the same, WP No. 14659 of 2007 is allowed and the impugned order dated 18.11.2006 of the first respondent is quashed. Consequently, WP No. 14206 of 2010 is dismissed. The parties are given liberty to approach competent authority/Court in case they need any protection for their lands or their person if they desire. Pending miscellaneous petitions, if any, shall stand dismissed in consequence. No costs.