

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 2583 OF 2024

Between:

1. Reddy Chinnabbai @ Samba Murthy, S/o Late Venkanna Patrudu, aged 56 years, Hindu, Cultivation, R/o Madhavanagaram Village, Nathavaram Mandal, Anakapalli District.
2. Reddy Ganga, W/o Late Reddy Ramana, aged about 42 years, Hindu, Cultivation, R/o Madhavanagaram Village, Nathavaram Mandal, Anakapalli District

Petitioners

AND

1. The State of Andhra Pradesh, represented by Principal Secretary, Home Department, Secretariat of A.P., Velagapudi, Amaravathi, Guntur District.
2. The Superintendent of Police, Anakapalli District, at Anakapalli.
3. The Sub-Inspector of Police, Nathavaram Police Station, Anakapalli District.
4. Surla Maridayya, S/o Late Pothuraju, aged 68 years. Cultivation, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
5. Surla Nookamma, W/o Late Pothuraju, aged 68 years, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
6. Yelamparthi Sreeramulu, S/o Veeranna, aged 71 years, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
7. Yelamparthi Ramulamma, W/o Sreeramulu, aged 67 years. Housewife, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
8. Pasila Lakshmi, W/o Rambabu, aged 66 years, R/o Kindra Village, Rajavommangl Mandal, East Godavari District.
9. Yelamparthi Appalaraju, S/o Sreeramulu, aged 56 years, Hindu, Cultivation, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
10. Jandri Bheemaraju, S/o Ganganna, aged 56 years, Hindu, Tractor Driver, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.

Respondents

WHEREAS the Petitioners above named through their Advocate SMT.T.V.SRI DEVI presented this 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 a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 3rd respondent in not granting police



protection to petitioners and petitioners property situated in an extent of Ac 2.00 cents in Sy.No. 1 of Kuruvada village, Nathavaram Mandal, Anakapalli District to which the Principal Junior Civil Judge cum Judicial First Class Magistrate at Narsipatnam granted permanent injunction in O.S.No. 41 of 2011 through judgment and decree dt 9.05.2022 as illegal, arbitrary and violative of Art 14 and 21 of Constitution of India and consequently direct the 3rd respondent to provide police protection to petitioners and their property.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SMT.T.V.SRI DEVI Advocate for the Petitioners and GP for Home for Respondent Nos.1 to 3, directed issue of notice to the Respondent Nos.4 to 10 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Surla Maridayya, S/o Late Pothuraju, aged 68 years. Cultivation, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
2. Surla Nookamma, W/o Late Pothuraju, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
3. Yelamparthy Sreeramulu, S/o Veeranna, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
4. Yelamparthy Ramulamma, W/o Sreeramulu, Housewife, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
5. Pasila Lakshmi, W/o Rambabu, R/o Kindra Village, Rajavommangl Mandal, East Godavari District.
6. Yelamparthy Appalaraju, S/o Sreeramulu, Cultivation, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
7. Jandri Bheemaraju, S/o Ganganna, Tractor Driver, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 27.02.2024, on which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant interim directions directing the 3rd respondent to provide police protection to petitioners and to their lands situated in an extent of Ac 2.00 cents in Sy.No. 1 of Kuruvada village, Nathavaram Mandal, Anakapalli District, pending disposal of the Writ Petition No. 2583 of 2024, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

This petition is filed to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 3rd respondent in

not granting police protection to petitioners and petitioners' property situated in an extent of Ac.2.00 cents in Sy.No.1 of Kuruwada Village, Nathavaram Mandal, Anakapalli District to which the Principal Junior Civil Judge cum Judicial First Class Magistrate at Narsipatnam granted permanent injunction in O.S.No.41 of 2011 through judgment and decree dated 09.05.2022.

On written instructions, the learned Assistant Government Pleader for Home submitted that a complaint was received from the 1st petitioner on 03.01.2024 and as it was disclosing commission of a noncognizable offence, by following procedure under Section 155 CrPC, the Investigating Officer took permission from the Magistrate and later registered a case in Crime No.38 of 2024 on 04.02.2024 under Section 506 r/w 34 IPS against 6 accused who are respondent Nos.4, 5, 7, 8, 9 and 10 herein.

In reply, the learned counsel for the petitioners submitted that the relief sought is for police protection and not mere registration of the crime.

Issue notice to respondent Nos.4 to 10.

The learned counsel for the petitioners is permitted to take out personal service of the notice to respondent Nos. 4 to 10 through registered post with acknowledgment due and file proof thereof.

List on 27.02.2024.

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR
For AS
SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat of A.P., Velagapudi, Amaravathi, Guntur District.
2. The Superintendent of Police, Anakapalli District, at Anakapalli.
3. The Sub-Inspector of Police, Nathavaram Police Station, Anakapalli District.
4. Surla Maridayya, S/o Late Pothuraju, aged 68 years. Cultivation, R/o Kuruwada Village, Nathavaram Mandal, Anakapalli District.
5. Surla Nookalamma, W/o Late Pothuraju, R/o Kuruwada Village, Nathavaram Mandal, Anakapalli District.
6. Yelamparthi Sreeramulu, S/o Veeranna, R/o Kuruwada Village, Nathavaram Mandal, Anakapalli District.

7. Yelamparthi Ramulamma, W/o Sreeramulu, Housewife, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
8. Pasila Lakshmi, W/o Rambabu, R/o Kindra Village, Rajavommangl Mandal, East Godavara District.
9. Yelamparthi Appalaraju, S/o Sreeramulu, Cultivation, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District.
10. Jandri Bheemaraju, S/o Ganganna, Tractor Driver, R/o Kuruvada Village, Nathavaram Mandal, Anakapalli District. (1 TO 10 by RPAD- along with a copy of petition and affidavit)
11. One CC to Smt.T.V.SRI DEVI Advocate [OPUC]
12. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
13. One spare copy

SRL

HIGH COURT

BSB,J

DATED:08/02/2024

NOTE: LIST ON 27.02.2024

NOTICE BEFORE ADMISSION

WP.No.2583 of 2024

DIRECTION

