



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 4124/2026

Between:

1. MEDURI SAMBRAJYAM, W/O. PRABHAKARA RAO, AGED ABOUT 60 YEARS, HOUSEWIFE, R/O. D.NO. 11-267, LUTHERIEN CHURCH ROAD, OLD MANGALAGIRI, MANGALAGIRI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY (HOME DEPARTMENT), SECRETARIAT BUILDINGS AT VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH-522237.

2. THE SUPERINTENDENT OF POLICE, GUNTUR DISTRICT, GUNTUR-522001.

3. THE STATION HOUSE OFFICER, MANGALAGIRI TOWN POLICE STATION, MANGALAGIRI, GUNTUR DISTRICT-522503.

4. BETHAPUDI NAGAMALLESWARA RAO, S/O. VEERANJANEYULU, AGED ABOUT 52 YEARS, R/O. D.NO. 11-265, MANGALAGIRI, GUNTUR DISTRICT-522503.

...RESPONDENT(S):

Counsel for the Petitioner:

1. CHETAN PONNURU

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:

ORDER:

The Writ Petition has been filed for the following relief:

“...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of respondents 2 and 3 in considering the representation dated 06.02.2026 and providing police aid for implementing the decree in O.S. No. 280 of 2017 on the file of Principal junior civil judge , Mangalagiri for protection of decretal property bearing D.No. 95/B, D.No. 11-264, Assessment No. 15492 admeasuring 36.3 square yards situated at Mangalagiri, Guntur District as illegal, arbitrary, and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct respondents 2 and 3 to consider the representation dated 06-02-2026 and provide immediate police protection/aid to me for safeguarding my possession and enjoyment of the suit schedule property and for implementing the decree of permanent injunction dated 04.07.2022 decree in O.S. No. 280 of 2017 on the file of Principal junior civil judge , Mangalagiri for protection of decretal property bearing D.No. 95/B, D.No. 11-264, Assessment No. 15492 admeasuring 36.3 square yards situated at Mangalagiri, Guntur District...”

2. Heard the learned counsel for the petitioner and learned Assistant Government Pleader.

3. Mr.Chetan Ponnuru, learned counsel for the petitioner, submits that the petitioner got a decree in O.S.No.280 of 2017 by the learned Principal Civil Judge (Junior Division), Mangalagiri for protection of the suit schedule property. Yet, the Respondent No.4 has been threatening with the possession and enjoyment of the property. The petitioner has submitted a representation dated 06.02.2026 to Respondent No.3, but, Respondent No.3 has not taken any action.

4. Sri P.Ajay Babu, the learned Assistant Government Pleader, on written instructions, submits that the petitioner's grievance relates to

possession of immovable property, which is purely civil in nature. The decree in O.S. No. 280 of 2017 can only be enforced through execution proceedings under the Civil Procedure Code, 1908¹. Respondent No.3 has not received any actionable petition as alleged, and police cannot adjudicate civil disputes.

5. In this regard, the learned counsel for the petitioner has relied on judgment of a learned Single Judge of this Court passed in W.P.Nos.15603, 17865, and 23211 of 2020, dated 10.12.2020 wherein at paragraph 7, it was held as follows:

“7.The contention of the learned Government Pleader for Home appearing for the official respondents that the petitioners cannot approach the writ Court without approaching the civil Court, which passed the permanent injunction decrees, cannot be countenanced in view of the Judgment of this Court reported in the case of Gampala Anthalah (2 supra). It is now well settled law that when a decree for permanent Injunction was passed by a competent civil Court, when there is an attempt by the persons, who are suffering the said decrees, to disobey the said decree, the aggrieved party can approach the writ Court seeking Police aid. Therefore, in view of the settled law in this regard as has been held by this Court in Satyanarayana Tiwari (4 supra), Gampala Anthaiah (2 supra) and A.Bharathi vs. State of Telangana and by the Apex Court in Manohar Lal Chopra (3 supra), the petitioners are entitled for grant of Police aid in all these writ petitions.”

6. The Hon’ble Apex Court in **Manohar Lal Chopra v. Seth Hiralal**², wherein at Paragraph No.18, it was held that

“18. There is difference of opinion between the High Courts on this point. One view is that a Court cannot issue an order of temporary injunction if the circumstances do not fall within the provisions of Order 39 of the Code : Varadacharlu v. Narsimha Charlu [AIR 1926 Mad 258] ; Govindarajulu v. Imperial Bank of India [AIR 1932 Mad 180] Karuppayya v. Ponnuswami [AIR 1933 Mad 500 (2)] ; Murugesu Mudali v. Angamuthu Mudali [AIR 1938 Mad 190] and Subramanian v. Seetarama [AIR 1949 Mad 104] . The other view is that a Court can issue an interim injunction under circumstances which are not covered by Order 39 of the Code, if the Court is of opinion that the interests of justice require the

¹ ‘the C.P.C’

²1961 SCC OnLine SC 17

issue of such interim injunction : Dhaneshwar Nath v. Ghanshyam Dhar [AIR 1940 All 185] ; Firm Bichchha Ram v. Firm Baldeo Sahai [AIR 1940 All 241] ; Bhagat Singh v. Jagbir Sawhney [AIR 1941 Cal 670] and Chinese Tannery Owners' Association v. Makhan Lal [AIR 1952 Cal 560] . We are of opinion that the latter view is correct and that the Courts have inherent jurisdiction to issue temporary injunctions in circumstances which are not covered by the provisions of Order 39 CPC. There is no such expression in Section 94 which expressly prohibits the issue of a temporary injunction in circumstances not covered by Order 39 or by any rules made under the Code. It is well settled that the provisions of the Code are not exhaustive, for the simple reason that the legislature is incapable of contemplating all the possible circumstances which may arise in future litigation and consequently for providing the procedure for them. The effect of the expression "if it is so prescribed" is only this that when the rules prescribe the circumstances in which the temporary injunction can be issued, ordinarily the Court is not to use its inherent powers to make the necessary orders in the interests of justice, but is merely to see whether the circumstances of the case bring it within the prescribed rule. If the provisions of Section 94 were not there in the Code, the Court could still issue temporary injunctions, but it could do that in the exercise of its inherent jurisdiction. No party has a right to insist on the Court's exercising that jurisdiction and the Court exercises its inherent jurisdiction only when it considers it absolutely necessary for the ends of justice to do so. It is in the incidence of the exercise of the power of the Court to issue temporary injunction that the provisions of Section 94 of the Code have their effect and not in taking away the right of the Court to exercise its inherent power.."

7. Indeed, when a decree for permanent injunction has been passed by the competent Court in favour of the petitioner and such decree has attained finality, Respondent No.4 has a duty and responsibility to honour the decree. Further, if such decree has been passed by a competent Court, when there is an attempt by Respondent No.4, who is bound by the decree, to disobey the said decree, the aggrieved person/petitioner is entitled to file a writ petition seeking police aid.

8. Considering the law laid down by the Hon'ble Apex Court in **Manohar Lal Chopra** *supra*, the Writ Petition is disposed of directing the Respondent No.3 to consider the representation dated 06.02.2026 for providing police aid

for implementing the directions passed in O.S.No.280 of 2017 by the learned Principal Civil Judge (Junior Division), Mangalagiri.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 16.02.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 4124 of 2026

Date: 16.02.2026
PRA