



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

[3521]

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 11989/2026

Between:

1. DALAYAI MUSALAPPA,, S/O MUSALAPPA, AGED ABOUT 65 YEARS,
R/O YALLAYAPALLI VILLAGE, BATDIALAPALLI MANDAL, NOW R/O
D.NO.4-2-462, YUVAJANA COLONY, ANANTAPUR, ANANTAPUR
DIST.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI,
GUNTUR DISTRICT-522238
2. THE SUPERINTENDENT OF POLICE, ANANTAPUR, ANANTAPUR
DISTRICT-515001
3. THE STATION HOUSE OFFICER, NARAPALA, ANANTAPUR DIST-
515001
4. THE TAHSILDAR, NARAPALA, ANANTAPUR DIST-515001
5. THE MANDAL SURVEYOR, NAIPALA, ANANTAPUR DIST-515001
6. B LAKSHMINARAYANA, S/O GUILLE BUSA NAGAPPA, AGED MAJOR,
7. B ADMARAYANA, S/O GUILLE BUSA NAGAPPA, AGED MAJOR,
8. B RAMAKRISHNA, S/O GUILLE BUSA NAGAPPA,. AGED MAJOR,
9. B NAGARAJU, S/O GUILLE BUSA NAGAPPA, AGED MAJOR,
(RESPONDENTS 6 TO 9 ARE R/O SULTHANPETA, NARPALA

VILLAGE AND MANDAL,ANANTAPUR DIST.)-515001

...RESPONDENT(S):

Counsel for the Petitioner:

1.M KARIBASAI AH

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR REVENUE

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 Mandamus, declaring the in action of the respondents 3 to 5 in not providing police aid for fencing the petitioner plot in Sy. No.243 an extent of Ac.0.06 cents situated in Narpala village and Mandal, Anantapur Dist., is illegal, arbitrary and against the principles of natural justice and consequently provide the same and pass...”

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

3. Sri M.Karibasaiah, learned Counsel for the Petitioner submits that the present Writ Petition arises from the inaction of Respondent Nos.3 to 5 in failing to provide police aid for fencing the Petitioner's plot in Sy.No.243, Narpala Village, Anantapur District, despite the Petitioner's lawful ownership established through a registered sale deed of 1987 and fortified by a decree of permanent injunction dated 18.02.2019. The Petitioner, aged 65 years and struggling for protection of his small holding for over fifteen years, has repeatedly approached the authorities after the unofficial respondents

removed the fencing and attempted encroachment, yet no effective aid was given.

4. Sri P.Ajay Babu, learned Assistant Government Pleader, on written instructions, submits that the Writ Petition is misconceived and not maintainable, inasmuch as the grievance of the Petitioner pertains to enforcement of a decree of permanent injunction granted in O.S.No.177 of 2010 by the competent Civil Court. Once such decree has been passed, the proper and efficacious remedy lies in execution proceedings before the same court under the Civil Procedure Code, 1908, which alone is empowered to ensure compliance and grant police aid if warranted. It is further submitted that upon receipt of the Petitioner's complaint, the Respondent police have already registered FIR No.13 of 2026 and the matter is under fair investigation in accordance with law. The Petitioner cannot bypass the statutory remedy of execution and seek police assistance as a matter of right through writ jurisdiction. In the absence of any specific order from the learned Civil Court directing police aid, the Respondents are not authorized to mechanically extend such assistance. Hence, the Writ Petition is devoid of merits and liable to be dismissed.

5. A learned Single Judge of this Court, in **Vanaparthi Subramanyam v. State of Andhra Pradesh**¹ at paragraph No.11, observed that where a decree of permanent injunction has been granted by a competent Civil Court, the plaintiff therein is entitled to seek police aid either from the Civil Court which

¹ W.P.No.20555 of 2022

passed the decree or from this Court by invoking its jurisdiction under Article 226 of the Constitution of India. This view was taken by placing reliance on the judgment of a learned Single Judge of this Court in **Rai Naramma v. State of Andhra Pradesh**².

6. In this connection, it is also appropriate to refer to the judgment of the Hon'ble Apex Court in **P.R. Murlidharan v. Swami Dharmananda Theertha Padar**³, wherein it was held that the jurisdiction under Article 226 of the Constitution of India cannot be invoked to adjudicate complex and disputed questions of fact. It was further held that a writ of police protection is permissible only to effectuate rights already crystallized by a decree or by a clear and unambiguous interlocutory order of a competent Civil Court.

7. Considering the facts and circumstances of the case, and recording the submissions of the learned Assistant Government Pleader, the Writ Petition is disposed of directing the Respondent Police to provide necessary police protection to the Petitioner and to take steps in accordance with law.

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

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

Dr.Y. LAKSHMANA RAO, J

Date: 30.04.2026
VTS

² 2021 (1) ALT 426

³ (2006) 4 SCC 201