



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

[3396]

**TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 33507/2025

Between:

1.M CHANDRAMMA, W/O. M. RAMESH BABU AGED ABOUT 39 YEARS, OCC AGRICULTURE, R/O BADUGUMAKULAPALLI VILLAGE, BOYANAPALLI POST, SHANTHIPURAM MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HOME, SECRETARIAT AT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE SUPERINTENDENT OF POLICE, CHITTOOR, CHITTOOR DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE, KUPPAM, CHITTOOR DISTRICT.
4. THE CIRCLE INSPECTOR OF POLICE, SHANTHIPURAM MANDAL, CHITTOOR DISTRICT.
5. THE SUB INSPECTOR OF POLICE, SHANTHIPURAM MANDAL, CHITTOOR DISTRICT.
6. M VENKATESH, S/O. LATE MUNNI VENKATAPPA AGED ABOUT 65 YEARS, OCC AGRICULTURE, CHENNGUBALLA VILLAGE, SOGADABALLA POST, SHANTHIPURAM MANDAL, CHITTOOR DISTRICT

7. M SUBBRAMANYAM, S/O. M. VENKATESH AGED ABOUT 43 YEARS, OCC AGRICULTURE, CHENNGUBALLA VILLAGE, SOGADABALLA POST, SHANTHIPURAM MANDAL, CHITTOOR DISTRICT
8. M RADHA KRISHNA, S/O. LATE MUNNI VENKATAPPA AGED ABOUT 53 YEARS, OCC AGRICULTURE .
9. SURYA KALA, W/O. M. RADHA KRISHNA AGED ABOUT 48 YEARS, OCC AGRICULTURE
- 10.M SURESH, S/O. M. RADHA KRISHNA AGED ABOUT 29 YEARS, OCC AGRICULTURE
- 11.HARISH, S/O. M. RADHA KRISHNA AGED ABOUT 25 YEARS, OCC AGRICULTURE THE RESPONDENTS NO. 8 TO 11 ARE RESIDENTS OF KAREGANIVURU VILLAGE SHANTHIPURAM POST AND MANDAL, CHITTOOR DISTRICT

...RESPONDENT(S):

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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents No.2 to 5 in providing Police aid to the person and property for the land in an extant of Ac. 1.00 Cents in Sy.No.93/3C, and Ac. 1.00 Cents in Sy.No. 93/3D of Dunkumanipalli Revenue Village Fields, Shanthipuram Mandal, Chittoor District, from the respondents No.6 to 11 in pursuance of the temporary Injunction, order dated 01-02- 2022 made in IA.No. 50 of 2022 in O.S.No.31 of 2022 on the file of the Junior Civil Judge at Kuppam, Chittoor District, as arbitrary, illegal, abdication of the statutory duty cast on them, contrary to the well settled legal position apart from being Violative of the fundamental and Constitutional rights guaranteed to the petitioner under Articles 14, 19,21 and 300- A of the Constitution of India and consequently direct the to provide the Police aid to the respondents No.2 to 5 persons and properties for the land in an extant of Ac. 1.00 Cents in Sy.No.93/3C, and an extant of an Ac. 1.00 Cents in Sy.No. 93/3D of Dunkumanipalli Village Fields, Shanthipuram Mandal, Chittoor District, from the respondents No.6 to 11 in pursuance of the Temporary Injunction, order dated 01-02- 2022, made in IA.No. 50 of 2022 in O.S.No.31 of 2022 on the file of the Junior Civil Judge at Kuppam, Chittoor District, and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents No.2 to 5 to consider the representation, dated, 24-11-2025 submitted by the petitioner and provide the Police aid to persons and properties in pursuance of the temporary Injunction, order dated 01-02-2022 made in IA.No. 50 of 2022 in O.S.No.31 of 2022 on the file of the Junior Civil Judge at Kuppam, Chittoor District, from the respondents No.6 to 11 pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.S PARINEETA

Counsel for the Respondent(S):

1.GP FOR HOME

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**WRIT PETITION NO: 33507 of 2025****ORDER:**

This Writ Petition is filed under Article 226 of Constitution of India with the following prayer:

“...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents No.2 to 5 in providing Police aid to the person and property for the land in an extant of Ac. 1.00 Cents in Sy.No.93/3C, and Ac. 1.00 Cents in Sy.No. 93/3D of Dunkumanipalli Revenue Village Fields, Shanthipuram Mandal, Chittoor District, from the respondents Nos.6 to 11 in pursuance of the temporary Injunction, order dated 01-02-2022 made in I.A.No. 50 of 2022 in O.S.No.31 of 2022 on the file of the Junior Civil Judge at Kuppam, Chittoor District, as arbitrary, illegal, abdication of the statutory duty cast on them, contrary to the well settled legal position apart from being violative of the fundamental and Constitutional rights guaranteed to the petitioner under Articles 14, 19,21 and 300-A of the Constitution of India and consequently direct the to provide the Police aid to the respondents Nos.2 to 5 persons and properties for the land in an extant of Ac. 1.00 Cents in Sy.No.93/3C, and an extant of an Ac. 1.00 Cents in Sy.No. 93/3D of Dunkumanipalli Village Fields, Shanthipuram Mandal, Chittoor District, from the respondents Nos.6 to 11 in pursuance of the Temporary Injunction, order dated 01-02-2022, made in I.A.No. 50 of 2022 in O.S.No.31 of 2022 on the file of the Junior Civil Judge at Kuppam, Chittoor District, and pass...”

2. Heard Ms.S.Parineeta, learned counsel for the petitioner and Sri V.Farook, learned Assistant Government Pleader for Home for the official respondents.

3. Learned counsel for the petitioner herein filed civil suit for permanent injunction in O.S.No.31 of 2022 on the file of the learned Junior Civil Judge at Kuppam, Chittoor District. Wherein, the petitioner filed an I.A.No.50 of 2022 seeking temporary injunction, the Court has granted ad-interim injunction dated 01.02.2022, which was extended from time to time. She would further submit that both the parties before the Trial Court has submitted their arguments and the matter is pending before the Court for taking a decision for temporary injunction. She would further submit that even after obtaining interim injunction in favour of the petitioner herein, unofficial respondents are interfering with the peaceful possession and enjoyment of the petitioner over the subject property. Aggrieved thereby, the petitioner approached the police for police aid but there is no response from the respondent police. As there is no alternative remedy, he filed the present writ petition

4. Learned Assistant Government Pleader for Home submits that since it is a civil matter, unless there is any direction from the Court, they cannot provide police aid to the petitioner.

5. It is beneficial to refer the Judgment of the Hon'ble the Apex Court in ***P.R.Mualidharan and others v. Swami Dharmananda Theertha Padar and others***¹ wherein the Hon'ble Apex Court declared the law on this subject in the following manner:

"A writ petition under the guise of seeking a writ of mandamus directing the police authorities to give protection to a writ petitioner,

¹ 2006 (4) SCC 501

cannot be made a forum for adjudicating on civil rights. It is one thing to approach the High Court, for issuance of such a writ on a plea that a particular party has not obeyed a decree or an order of injunction passed in favour of the writ petitioner, was deliberately flouting that decree or order and in spite of the petitioner applying for it, or that the police authorities are not giving him the needed protection in terms of the decree or order passed by a Court with jurisdiction. But, it is quite another thing to seek a writ of mandamus directing protection in respect of property, status or right which remains to be adjudicated upon and when such an adjudication can only be got done in a properly instituted civil suit. It would be an abuse of process for a writ petitioner to approach the High Court under Article 226 of the Constitution seeking a writ of mandamus directing the police authorities to protect his claimed possession of a property without first establishing his possession in an appropriate civil Court."

(Emphasis supplied)

6. Considering the submissions and in the light of the above principles laid down by the Hon'ble Apex Court, since the interim injunction passed by the Court is not passed on merits after hearing both parties and the matter before the Civil Court is coming up for taking a decision for granting of temporary injunction, this Writ Petition is disposed of. However, the petitioner is at liberty to work out her remedies before the competent Court where the suit is pending. There shall be no order as to costs.

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

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 02.12.2025.
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