

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**WRIT PETITION No.6175 of 2022**

**ORDER:-**

This Writ Petition for mandamus is filed to declare the action of respondents – police officials in not providing police aid to the petitioner for effective implementation of the judgment and decree passed by the civil Court, as illegal and consequently sought direction to respondents 2 to 4 to provide police aid to the petitioner against the unofficial respondents 5 to 10 as per the representation submitted on 19.01.2021.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondents 1 to 4 and learned counsel for the unofficial respondents 5 to 7 and 9. None appeared for respondents 8 and 10.

The petitioner is the plaintiff in the suit in O.S.No.54 of 2009 on the file of the learned Principal Junior Civil Judge, Palakol. She has filed the said suit against the unofficial respondents 5 to 10 for decree of permanent injunction restraining them and their men from interfering with the possession and enjoyment of the petitioner in respect of the plaint schedule property of the said suit. The said suit was decreed on 02.01.2019 granting permanent injunction decree in favour of the petitioner in respect of the plaint schedule property restraining the unofficial respondents herein from interfering with her possession and enjoyment of the property.

Now, the grievance of the writ petitioner is that despite passing of the said permanent injunction decree, the unofficial respondents 5 to 10 are still interfering with the possession and enjoyment of the said property and as such she has submitted a representation, dated 19.01.2021, with the respondents – police officials seeking police aid and they are not providing the said police aid.

Learned Assistant Government Pleader for Home, on instructions, would submit that as it is a civil dispute relating to a decree passed by the civil Court that the police will normally not interfere in the civil dispute unless the Court directs to provide police aid. He would submit that if the trial Court or this Court directs the police to provide police aid that they will provide the same to the petitioner.

Learned counsel for the unofficial respondents would submit that the petitioner is seeking to grant police aid to implement the decree in respect of the land in an extent of 65 cents and the decree was passed only for 6 cents out of the said 65 cents and as such the petitioner is not entitled for police aid in respect of 65 cents.

As can be seen from the copy of the decree which is now produced by the learned counsel for the unofficial respondents, along with counter, the decree was passed only for 6 cents out of 65 cents. The said 6 cents of land is clearly shown in the boundaries given in the said schedule. Therefore, the petitioner cannot seek police aid in respect of entire 65 cents of land. She is

only entitled for police aid to implement the said permanent injunction decree in respect of only 6 cents out of 65 cents, which is the plaint schedule property in the said suit.

It is well settled law that when a permanent injunction decree is passed, the Court can grant police aid for effective implementation of the said injunction decree passed by the competent civil Court.

Therefore, the Writ Petition is disposed of with a direction to the respondents 3 and 4 – police officials to provide police protection/aid to the petitioner for effective implementation of the permanent injunction decree, dated 02.01.2019, passed in O.S.No.54 of 2009 on the file of the learned Principal Junior Civil Judge, Palakol, only in respect of 6 cents which is clearly shown in the plaint schedule of the said suit. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date: 18.07.2022  
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