

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.31244 of 2022

ORDER:-

This Writ Petition for mandamus is filed for declaration that the action of respondents 3 and 4 – police officials in not considering the petitioner's written requests, dated 22.11.2021 and 30.05.2022 for grant of police aid for implementing the order of ad-interim injunction passed in I.A.No.239 of 2020 in O.S.No.62 of 2020 on the file of the learned Junior Civil Judge, Alur, Kurnool District, as illegal.

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

The petitioner is the plaintiff in O.S.No.62 of 2020 filed on the file of the learned Junior Civil Judge, Alur. She has also filed an interlocutory application in I.A.No.239 of 2020 for grant of ad-interim injunction. The trial Court, as per order, dated 04.11.2020, granted *ex parte* ad-interim injunction in favour of the petitioner and against the respondents therein.

To implement the said order of ad-interim injunction, it appears that the petitioner has approached the respondent – police officials for grant of police aid. The grievance of the writ petitioner is that the said written requests made for grant of police aid to implement the said order of injunction, are not

being considered. Therefore, the petitioner is before this Court by way of filing the instant Writ Petition seeking the aforesaid relief.

Admittedly, the order that is sought to be implemented by way of granting police aid is an ad-interim injunction order passed *ex parte* by dispensing with the notice to the respondents in the said interlocutory application. It was not an order passed on merits after hearing the respondents therein. Although it is stated that the said order of ad-interim injunction is being extended from time to time and finally it was extended until further orders, as per the settled law in this regard, police aid cannot be granted for implementing the order of ad-interim injunction. As per the settled law, police aid can be granted for implementing the permanent injunction decree or a temporary injunction order passed on merits after hearing both the parties. The law in this regard is not *res integra* and the same has been settled in the case of **Rai Naramma v. State of Andhra Pradesh**¹ wherein this Court held at para 7 as follows:

“It is now well settled law that only when there is a decree for permanent injunction and only when there is an order of temporary injunction in an interlocutory application which is made absolute after hearing both the parties, then only the Courts usually either the civil Court or the Writ Court, would grant police aid for effective implementation of the said permanent injunction decree or a temporary injunction order which is passed on merits. But when the ex parte ad-interim injunction is granted without hearing the respondents and when the same is not made absolute granting a temporary

¹ 2021(1) ALT 426

injunction order, till the disposal of the suit, on merits, the Courts will not usually order for grant of police aid for implementation of the ex parte ad-interim injunction order. Since it is not an order on merits after hearing both the parties, the Courts would be very slow in granting police aid, till the possession and rights of the parties are determined after enquiry based on evidence.”

Therefore, in view of the aforesaid ratio of law laid down by this Court in the above judgment, this Writ Petition for grant of police aid for implementation of *ex parte* ad-interim injunction order is not maintainable.

Resultantly, the Writ Petition is dismissed as not maintainable. No costs.

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

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 23.09.2022
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