

(2000) 11 KAR CK 0002
In the Karnataka High Court
Case No : Writ Petition No. 18364 of 1998

B. Munivenkatappa

APPELLANT

Vs

Tahsildar and Another

RESPONDENT

Date of Decision : 06-11-2000

Acts Referred:

Citation : (2001) 1 KCCR 122

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : H.T. Narayan, for the Appellant; S.N. Aswathanarayana, A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

V. Gopala Gowda, J.—The Petitioner claims to be the owner in possession of 3 guntas of land in Sy No. 70, 2-18 guntas in Sy. No. 25, 11 guntas in Sy. No. 108 and 4 guntas in Sy. No. 26 of Mavahalli village in Kolar District. By the impugned order at Annexure-D dated 29.5.1998 the Tahsildar has withdrawn the police protection granted to the Petitioner in respect of the lands. Consequently, the 2nd Respondent Sub-Inspector informed the Petitioner accordingly vide Endorsement at Annexure-E. Petitioner is seeking to quash these orders which are produced as Annexures-D and E.

2. Learned Counsel for the Petitioner submits that there is an order of the Civil Court to maintain status quo in respect of the property and the withdrawal of police protection without affording opportunity to the Petitioner is bad in law.

3. The petition is misconceived. Petitioner wants police protection in respect of his properties. Such a protection cannot be given by the police in respect of the properties in question. Since the parties are already before the Civil Court and there is interim order operating against them, the withdrawal of police protection granted to the Petitioner is perfectly justified. Petitioner has to protect his own rights by obtaining necessary orders from the Civil Court.

4. The contention that the impugned action is violative of principles of natural justice, is wholly untenable. Petitioner has no right muchless vested right to seek police protection in relation to property dispute which is already subjudice. No right of the Petitioner is affected by the impugned action. Hence, question of affording opportunity to the Petitioner does not arise.

5. Writ Petition is hereby dismissed.