
(2015) 04 AP CK 0070
In the Andhra Pradesh High Court
Case No : WP No. 8837 of 2015

Sake Chandrayudu

APPELLANT

Vs

State of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 16-04-2015

Acts Referred:

Citation : (2015) 5 ALD 10 : (2015) 5 ALT 308

Hon'ble Judges : Challa Kodanda Ram, J

Bench : Single Bench

Advocate : K. Srinivas, Counsel, for the Appellant

Final Decision : Allowed

Judgement

Challa Kodanda Ram, J—This writ petition is filed by the petitioner challenging the proceedings dated 15.2.2015, issued by the 3rd respondent-Tahsildar directing the 4th respondent-Station House Officer, to provide police protection to respondents 5 to 7 to enable them to cultivate the lands over the extents of Acs.2.38 cents in Sy. No. 25/3, Acs.2.15 cents in Sy. No. 26/1 and Acs. 10.60 cents in Sy. No. 78, of Mothumarla Village, Dharmavaram Mandal, Anantapuram District. Admittedly, there are civil disputes pending between the petitioners and the respondents 5 to 7 and there are also claims and counter-claims apart from the revenue proceedings which are pending before the various authorities. In that view of the matter, the 3rd respondent-Tahsildar has no manner of right for giving such a direction to the 4th respondent-S.H.O. to give police protection to respondents 5 to 7. As a matter of fact, giving of such a direction by the 3rd respondent is deprecated by this Court in a judgment reported in T. Mallikarjuna and three Others Vs. The State of Andhra Pradesh and eight Others, (2014) 2 ALD 493 : (2014) 3 ALT 757 . The action of the 3rd respondent is totally unsustainable and illegal. In the light of the settled legal principle that the revenue authorities cannot direct the police department to give aid to one party or the other, except in exceptional cases wherein the Court directs implementation of orders of injunction. Under the circumstances, the

proceedings dated 15.2.2015, issued by the 3rd respondent-Tahsildar are liable to be set aside as his action is wholly unauthorized and illegal as per the judgment reported in T. Mallikarjuna and other's case (supra). In the judgment reported in Lucknow Development Authority Vs. M.K. Gupta, AIR 1994 SC 787 : (1994) 80 CompCas 714 : (1994) 1 CompLJ 1 : (1993) 6 JT 307 : (1993) 4 SCALE 370 : (1994) 1 SCC 243 : (1993) 3 SCR 615 Supp , the Supreme Court had directed that the party who has been put to irreparable loss and mental agony should be compensated and the compensation amount should be paid by the State at the first instance and thereafter the same should be recovered from the officers responsible for the same.

2. Accordingly, the writ petition is allowed with costs of Rs. 2,000/- (Rupees two thousand only), payable by the State at the first instance and thereafter the same should be recovered from Sri P.V. Ramana, who was officiating as Tahsildar, Dharmavaram Mandal, Anantapur District, at the relevant point of time and made the order dated 15.2.2015. Miscellaneous petitions, if any pending in this writ petition shall stand closed.