IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9456/07
Kalyan Vs. State of Raj. & Ors.

Date of order : 30/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Abhinav Sharma for the petitioner.

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The petitioner has filed this writ petition with the prayer that Superintendent of Police (Rural), Jaipur and SHO, Police Station Shivdaspura, District Jaipur be directed to provide necessary police protection to the petitioner for construction of the boundary wall along his agricultural land of khasra no.1716, 1717 and 1718 situated in Yadavon Ki Dhani, Gram Siroli, Tehsil Sanganer, District Jaipur.

Learned counsel for the petitioner

has invited attention of the Court towards the order passed by the Civil Court on the basis of compromise arrived at between the parties. The compromise is Annexure-6 dated 16.1.2007 on the basis of which the Civil Judge (J.D.) First Class, Jaipur, District Jaipur passed the order dated 29.5.2007 observing that as per the terms of the compromise, the respondents were permitted to raise construction on their land and it was directed that no interference / obstruction shall be made therewith.

Learned counsel for the petitioner argeud that the petitioner also made an application before the Civil Court and the Civil Court on 5.2.2007 issued instructions to Tehsildar, Sanganer and Police Station Shivdaspura to ensure

that the measurement of khasra no.1716, 1717 and 1718 be taken and thereafter if the petitioner wants to raise boundary over their land, the non petitioner would not object to the same. The communication to this effect was endorsed by the Court to SHO Police Station Shivdaspura on 5.2.2007. Tehsildar reported in compliance to the Court that the measurement of the aforesaid khasra numbers has already been made by a team headed by Naib Tehsildar, Sanganer and copy of the site inspection report was enclosed herewith.

Leaned counsel for the petitioner argued that despite the Court having permitted the petitioner to raise construction of the boundary wall, necessary police protection is not

being provided.

In the facts of the case, I do not deem it appropriate to directly entertain the writ petition when the subject matter of the controversy is to ensure compliance of the order passed by the Court concerned. The petitioner may in this connection again approach the Court and the Court in respect of original order passed by it, shall obviously ensure compliance of its order in accordance with law by directing the police help or otherwise as may be deemed appropriate.

With these observations, the writ petition is dismissed as being not maintainable.

(MOHAMMAD RAFIQ), J.

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