

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.5674 of 2015

BETWEEN

Mohammed Meraj.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard. Notice to respondent No.5 is returned unclaimed and hence deemed to have been served.

2. Petitioner herein claims to be a lessee and proprietor of shop premises bearing Municipal No.20-4-1112/39, Mulgi No.B-39 situated at Mukaramjahi Complex, Julukhana, Lad Bazar, Hyderabad. Petitioner alleges that, as per the lease agreement, the said premises was leased out to him by trust for which he is paying monthly rent of Rs.600/-. Petitioner states that respondent No.5 was a tenant in the remaining portion of the said Mulgi and as he was illegally interfering with his possession, petitioner had filed O.S.No.2046 of 2010 before VIII Junior Civil Judge, City Civil Courts, Hyderabad, and had obtained temporary injunction order in I.A.No.154 of 2010. However, the said order was later dismissed on 24.02.2014 against which petitioner's appeal being A.S.No.163 of 2014 is pending before XXIV Additional Chief Judge, City Civil Courts, Hyderabad.

3. Petitioner further states that respondent No.5 high handedly entered his shop, had beaten him, thrown away articles on the road and put a lock to the petitioner's shop and not allowing him to open the shop. Hence, petitioner had made a police complaint, based on which a case in Crime No.33 of 2015 was registered by respondent No.4 against respondent No.5, which is pending investigation. However, the relief sought for in the present writ petition is to direct the official respondents to remove the lock put up by respondent No.5 on the said shop and also investigate the said crime.

4. Learned Government Pleader for Home has obtained instructions, which state that on petitioner's complaint already three witnesses have been examined and the Secretary of Mukkram Jah trust has also confirmed the lease in favour of the petitioner on the oral consent of respondent No.5 and that the trust is collecting the rent from the petitioner as well as respondent No.5 for the mulgi, in question, and the remaining mulgi is in possession of respondent No.5. It is stated that respondent No.5 was enlarged on conditional anticipatory bail. However, the said crime appears to have been completely investigated

and it is also stated that neither respondent No.5 has locked the premises nor the keys of the premises are with respondent No.5.

5. Consequently, therefore, so far as removal of lock is concerned, the said matter appears to be a private dispute between petitioner and respondent No.5, for which no relief can be granted under Article 226 of the Constitution. Insofar as investigation by respondent No.4 is concerned, the same requires to be expedited. Hence, I deem it appropriate to direct respondent No.4 to complete the investigation expeditiously and file appropriate final report under section 173 Cr.P.C.

With the above direction, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 6, 2015

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