

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

WEDNESDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.22482 of 2014

BETWEEN

Md. Khaleel Pasha and another.

... PETITIONERS

AND

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

...RESPONDENTS

Counsel for the Petitioners: MR. T. KOTESHWARA PRASAD

**Counsel for the Respondents: GP FOR HOME (TG)
MR. SAI KRISHNA JOGINIPALLY**

The Court made the following:

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ORDER:

Petitioners seek a Mandamus to declare the inaction of respondent

No.3 in granting police protection to their household property and in taking action against respondents 4 and 5 as illegal. Petitioners make their claim on the basis of the decree dated 12.04.2007 obtained by them in O.S.No.689 of 2006 on the file of the Junior Civil Judge, Mancherial and that respondents 4 and 5 are continuously interfering and attempting to trespass into their property. Petitioners submit that though they have filed two complaints dated 25.06.2014 and 27.06.2014 with the third respondent, neither any action is taken nor any crime is registered and investigation is taken up.

2. A counter affidavit is filed on behalf of the third respondent, sworn by the Sub-Inspector of Police, CCC Narsapur Police Station, stating in para 3 that in spite of thorough verification from the records of the police station the alleged complaints of the petitioners were not found to have been received. It is further stated in the counter affidavit that there appears to be a civil dispute between the petitioners and respondents 4 and 5.

3. However, the counter affidavit does not speak about the decree obtained by the petitioners, as referred to above and in any case, petitioners are not able to show any acknowledgment of their complaints by the third respondent. Since filing of the said complaints before the third respondent is not established, it is not possible to conclude that there is any inaction by the third respondent.

Hence, petitioners are at liberty to file a fresh complaint by approaching the third respondent if the cause survives and if any cognizable offence is complained of and if such a complaint is received, the third respondent shall examine the same and take appropriate action in accordance with law.

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

March 4, 2015
DSK