

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

THURSDAY THE TWENTYSEVENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25658 OF 2015

Between:

Fazal Mohammed Khan ... Petitioner

V/s.

The State of Telangana,
Rep. by its Prl. Secretary
Department of Home,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: M/s. Nazir Ahmed Khan

Counsel for the Respondents: GP for Home [TG] for R1 to R5
Mr.M.M. Firdose for R6

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 25658 OF 2015

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ORDER :
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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of Respondents 1 to 5 more particularly Respondents 4 and 5 as arbitrary, ex-facie illegal, high-handed, dereliction of duties in interfering into civil disputes and personal life and liberty of the petitioner by trying to interfere in respect of his agricultural land in survey No.45/E, admeasuring Acs:7-25 guntas situated at Gangawasr village, Nayalkal Mandal, Medak district, inspite of giving a written complaint dated 13/10/2014 and consequently to direct the Respondents 4 and 5 not to interfere into the petitioner’s life and liberty including not to dispossess from his said land in the interest of justice and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, written instructions dated 13/8/2015 furnished by the Sub-Inspector of Police, Hadnoor Police Station, Medak district have been placed by the learned Government Pleader for Home [TG].

3. The written instructions reads as under :

The facts of the case that one Laxman, who is a watchman of the sixth respondent/shaik Mahaboob Ali filed a private complaint under section 200 Cr.P.C. on the file of Judicial Magistrate of First Class, Zaheerabad

stating that on 10/8/2015 the petitioner herein and one Mohd. Khudrath Ali Khan trespassed into the land in survey No.45/E, admeasuring Acs:7-24 guntas situated at Gangwasr village, Nayalkal Mandal, Medak district, abused in filthy language and threatened with dire consequences.

It is respectfully submitted that upon receipt of the above private complaint, the Judicial Magistrate of First Class forwarded it to Police Station on 11/8/2015 for investigation and report under section 156 (3) Cr.P.C. On receipt of the private complaint from the Magistrate Court, a case in Cr.No.110/2015 dated 18/8/2015 under section 452, 323, 506 read with section 34 IPC and section 156 (3) Cr.P.C. has been registered against the petitioner and one Mohd.Khudrath Ali Khan on the file of Hadnoor Police Station, Medak district and investigation has been taken up.

It is submitted that the contention of the petitioner that the respondents police interfered with the civil dispute, personal life and liberty of the petitioner with regard to the agricultural land in survey No.45/E admeasuring Ac:7-24 guntas situated at Gangwar village, Nayalkal Mandal, Medak district is false, hence denied. It is submitted that the respondents police never interfered with the civil dispute as alleged by the petitioner.

It is incorrect to say that the Sub-Inspector of Police interfered with the civil dispute and also demanded bribe of Rs.50,000/-. It is also incorrect to say that the Sub-Inspector of Police abused the petitioner in filthy language and detained the petitioner in the Police Station, hence denied.

It is respectfully submitted that after going through the contents of the affidavit filed in support of the writ petition, it seems that there was a civil dispute between the petitioner and sixth respondent in OS.No. 91 of 2014 and the sixth respondent also obtained interim injunction order dated 16/10/2014 passed in I.A.No.337 of 2014 on the file Junior Civil Judge, Zaheerabad against the petitioner herein, for which the respondents police have nothing to do with it. The petitioner unnecessarily involved the police into civil litigation.

It is submitted that as stated above, the petitioner

herein after knowing that the Judicial Magistrate of First Class, Zaheerabad forwarded the said private complaint on 11/8/2015 and received by the respondent police on 18/8/2015, the petitioner/A-1 filed the above writ petition on 12/8/2015 with baseless allegations.

It is pertinent to mention here that the petitioner's brother namely Nawaz Khan is a political leader in Bidar, Karnataka State. Moreover the petitioner herein filed some photograph of the police personnel as material papers. It is submitted that when the respondents police received phone call on 10/8/2015 that at Gangwar cross-roads some persons created galata and nuisance. The respondents police went there and revealed that some persons created galata at Gangwar cross-roads at that time the petitioner might have taken the said photograph of the police personnel.

It is further submitted that the petitioner herein in order to threaten the police made party as respondent No.5 Sub-Inspector of Police in personal capacity to demoralize him.

As per the contents of the affidavit, the petitioner herein submitted a representation to the Superintendent of Police, Medak district on 13/10/2014 requesting to direct the police personnel of Hudnoor Police Station not to interfere with the civil dispute and not to support the sixth respondent. In this connection, the Sub-Inspector of Police never interfered with the civil dispute nor supported the sixth respondent in any manner. It is submitted that the respondent police discharged their legitimate duties but never interfered with the civil dispute as alleged by the petitioner herein.

As stated above, the respondents police never harassed, threatened, interfered with the civil dispute, life and liberty of the petitioner at any point of time.

It is respectfully submitted that all the other allegations made against the official respondents herein are false, baseless and hence the same are hereby denied.

The writ petition deserves no consideration and liable to be dismissed.

It is respectfully submitted that the respondents police shall obey the directions, if any, passed by this Hon'ble Court."

4. On noticing the above written instructions, the learned counsel for the petitioner requested to dispose of the writ petition by recording the same with a liberty to the petitioner herein to approach the concerned authorities under G.O.Ms.No.288 Home [PS & C-A2] Department, dated 06/11/2010 in the event of there being any further police interference.

5. In view of the above submission, the writ petition stands disposed of by recording the written instructions dated 19/08/2014 furnished by the Sub-Inspector of Police, Hadnoor Police Station, Medak district, with a liberty to the petitioner herein to approach the competent authorities under the said G.O., if he is so advised. If any such application is made, the same shall be considered in accordance with law.

6. The writ petition is disposed of. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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