

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.9217 of 2018

ORDER:

This writ petition is filed seeking verbatim the following relief:

‘...to issue a Writ, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent police in illegally interfering into the business of Unani Medicine and Spiritual Practice in petitioner’s premises bearing H.No.23-2-70, Beside Asra Hospital, Moghalpura, Hyderabad, Telangana State without following due process of law as illegal, arbitrary and unconstitutional and consequently direct the respondent police to not to interfere with the peaceful conduct of business of Unani Medicine and Spiritual Practice in petitioner’s premises bearing H.No.23-2-70, Beside Asra Hospital, Moghalpura, Hyderabad, Telangana State and pass such other or further orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

Heard the submissions of learned counsel appearing for the petitioner and of the learned Government Pleader for Home (Telangana) appearing for the respondents. Perused the material record.

Learned counsel for the petitioner would submit that the petitioner is a practitioner in Unani medicine and that he also practises certain spiritual practices as per a Fatwa issued by the authority associated with ‘MUFTI E DARUL ULOOM: DEVBAND DEOBAND’ and that when he is strictly adhering to the Fatwa and observing the spiritual practices, the respondents are illegally interfering with his practices both in Unani medicine and spiritual which he is carrying on in the premises bearing No.23-2-70 beside Asra hospital, Moghalpura, Hyderabad, and that such interference is being caused despite absence of registration of a crime against the petitioner and acquittal of the petitioner in C.C.No.109 of 2012 on the file of the Court of the learned

VIII Additional Chief Metropolitan Magistrate, Hyderabad, which was taken on file for the offences punishable under Section 420 read with 34 of IPC and Section 7 of the Drugs and Magic Act.

Learned Government Pleader, on written instructions, would submit that except the above case which ended in acquittal, there are no other complaints whatsoever received and registered against the petitioner and that as a precautionary measure to prevent the police officers concerned from taking any action in the event of lodging of a complaint against the petitioner in future, this writ petition is filed with false and untenable allegations and that in the absence of registration of any crime, the police officers are not going to interfere with the activities of the petitioner in the subject premises and that the *overt acts* attributed to the respondents that they are interfering illegally with such activities of the petitioner are all false.

Having regard to the above submissions of the learned Government Pleader that the respondents are not interfering with the activities of the petitioner and that they are not going to interfere with such activities in future without registration of any crime, this Court is of the considered view that this writ petition can be closed recording the afore-stated submissions of the learned Government Pleader.

Accordingly, the Writ Petition is closed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

21.03.2018
Vjl