

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2469 of 2019

Date : 8.2.2019

Between:

Mohammed Raheemuddin s/o Late Bande Ali aged about 50
years occ Nil r/o H No 13-1-1234/A/2 Kulsumpura
Hyderabad

Petitioner

And

The State of Telangana
rep by its Principal Secretary Home Department Secretariat
Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner alleges that police are interfering in civil dispute between him and some private persons, who were not made parties to this writ petition and that police has taken his son to the police station on the pretext of interrogation even though no crime is registered against him.

3. Learned counsel for petitioner submits that petitioner-Mohammed Raheemuddin is also called as Abdul Raheem.

4. It appears that petitioner is defendant in O S No. 1699 of 2012 on the file of XVII Additional Senior Civil Judge instituted by one Syed Sadullah Shah Quadri. Said suit was decreed on 1.6.2016 and defendant therein was directed to handover the vacant possession of the suit schedule property. Petitioner claims that though petitioner is defendant in O S No. 1699 of 2012, aggrieved by the decree granted in the said suit, petitioner has preferred an appeal in A.S No. 203 of 2016 pending on the file of the IX Additional Chief Judge, City Civil Court, Hyderabad and the same is pending. Petitioner alleges that 5th respondent Station House Officer, Tappachabutra police station is sending police constables to his residence day in and day out and threatening to handover the possession of house bearing No. 13-1-1234/A/2, Kulsumpura, Hyderabad.

5. Learned Government Pleader produced copy of the judgment in O.S No. 1699 of 2012 and written instructions furnished to him by Sub Inspector of Police, Tappachabutra police station. From the reading

of the written instructions, it appears that Syed Huasnuddin Shah Quadri filed complaint alleging that Abdul Raheem is trying to occupy Dargah and requested to take appropriate steps. Police have enquired into the matter and having come to a conclusion that what is alleged is civil dispute, informed the complainant accordingly on 6.2.2019. In other words, as of now, no crime is registered against the petitioner and police have not taken any action against the petitioner and on mere apprehension, this writ petition is filed. As stated by learned Government Pleader since no crime is registered and police are not interfering with life and liberty of the petitioner, it is open to the petitioner to avail the remedies available to him under law. However, respondent-police authorities are directed not to interfere with the life and liberty of the petitioner unless any crime is registered against him. It is needless to observe that it is always open to the party to a litigation to workout remedies as available in law. In a civil litigation, aggrieved party has liberty to avail the remedy of appeal and secure appropriate orders. Therefore Court is not expressing any opinion on inter-se civil dispute.

6. Subject to above observation, the writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

DATE: 8-2-2019
TVK

P NAVEEN RAO,J

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