

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

WEDNESDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 11715 OF 2020

Between:

1. Smt.Haleema Sultana, W/o.Mohammed Abdul Razzack, D/o.Late Syed Hussain and Mahmooda Begum, Aged 52 yrs, Occ. Household, R/o.H.No.5-5-734, Goshamahal, Hindi Nagar, Nampally, Hyderabad.
2. Smt.Mahmooda Begum, D/o.Late Mohd. Faizuddin, W/o.Late Syed Hussain, Aged about 84 yrs, Occ. Household, R/o.H.No.17-9- 115/2, Reti-Ki-Mazjid, Chawni Nade Ali Baig, Yakutpura, Hyderabad.
3. Smt.Bibi Begum, D/o.Late Syed Hussain and Mahmooda Begum, Aged about 46 yrs, Occ. Household, Wo.H.No.17-2-11/15, Reti-Ki-Masj id, Chowni Nade Ali Baig, Yakutpura, Hyderabad.
4. Sri Syed Saber Hussain,, S/o.Late Syed Hussain and Mahmooda Begum, Aged about 64 yrs, Occ. Business, Wo.H.No.17-2-11/15, Reti-Ki-Masj id, Chowni Nade Ali Baig, Yakutpura, Hyderabad.
5. Sri Syed Shahed Hussain, S/o.Syed Saber Hussain, Aged about 35 yrs,Occ. Business, R/o.H.No.17-2-11/15, Reti-Ki-Masjid, Chowni Nade Ali Baig, Yakutpura, Hyderabad.
6. Sri Syed Zahed Hussain, S/o.Syed Saber Hussain, Aged about 31 yrs, Occ. Business, R/o.H.No.17-2-11/15, Reti-Ki-Masj id, Chowni Nade Ali Baig, Yakutpura, Hyderabad.
7. Syeda Neha Fatima, D/o.Syed Saber Hussain, Aged about 31 yrs, Occ. Student, R/o.H.No.17-8-421/1 I , Bagh-e-Jahan Ara, Yakutpura, Hyderabad.
8. Sri Syed Yousuf Hussain, S/o.Late Syed Hussain, Aged about 61 yrs, Occ. Business, R/o.H.No.17-1-11/15, Chowni Nade Ali Baig, Yakutpura, Hyderabad.
9. Smt.Saira Banu, W/o.Syed Shahed Hussain, Aged about 29 yrs, Occ. Household, R/o.H.No.17-1-11/15, Chowni Nade Ali Baig, Yakutpura, Hyderabad.

The petitioners 1 to 9 are represented by their GPA Holders

10. Sri A.Kista Reddy, S/o.Late A.Ganga Reddy, Aged about 74 yrs, Occ. Business, R/o.H.No.8-2120/110/1/2A, Road No.14, Banjara Hills, Hyderabad-500 034

...WRIT PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Director General of Police, The State of Telangana, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Hyderabad District, Hyderabad.
4. The Station House Officer, Banjara Hills, Hyderabad.
5. M/s.Vamsee Ram Builders, Represented by its Managing Director Sri B.Subba Reddy, R/o.Plot No.1109-A, Flat No.202, Jyothi Srinivasam, Near Peddamma Temple, Jubileehills, Hyderabad-500 034

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 4th respondent i.e.Station House Officer, Banjara Hills, Hyderabad in not registering the crime against the 5th Respondent and his allies in OS No.368/2018 on the file of III Addl. Chief Judge, City Civil Court, Hyderabad who are continuously violating the orders of the Honble Court and proceeding with the construction activities at the Suit Schedule Property as illegal, arbitrary, unlawful and against the principles of natural justice and direct the 4th respondent to register the crime against the 5th respondent.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to register crime and take preventive steps against the 5th respondent and his henchmen for proceeding with the construction activities at the suit schedule property of OS No.368/2018 on the file of III Addl.Chief Judge, City Civil Courts, Hyderabad, pending disposal of the writ petition.

Counsel for the Petitioners:SRI. N. VENKATESWARA RAO

Counsel for the Respondent Nos. 1 to 4: AGP FOR HOME

Counsel for the Respondent No. 5: --

The Court made the following:

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.11715 of 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issue of a Writ of Mandamus to declare the action of 4th respondent-Station House Officer, Banjara Hills Police Station, Hyberabad, in not registering the crime against the 5th respondent and his allies in O.S.No.368 of 2018 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad, who are continuously violating the orders of the civil Court and proceeding with the construction activities at the suit schedule property, as being illegal, arbitrary, unlawful and against the principles of natural justice, with a consequential direction to the 4th respondent to register the crime against the 5th respondent and others.

2. The above case is taken up for hearing today i.e., 19.08.2020, through Video Conferencing.

3. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home appearing for official respondent Nos.1 to 4.

4. The learned counsel for the petitioners reiterates the writ averments and submits that since the 5th respondent and his allies are continuing to violate the orders of the civil Court, the 4th respondent authority is bound to register a case and take necessary action.

5. On the other hand, the learned Assistant Government Pleader for Home, on instructions, would submit that upon receiving the above complaint from the petitioners herein, the 4th

respondent authority made a GD entry and caused preliminary enquiry, whereat it is revealed that there existed a civil dispute between the petitioners and the unofficial respondent, upon which the 4th respondent police authority has issued a notice to the petitioners informing the action taken on the complaint made by the petitioners as civil in nature and directed the petitioners to approach the competent civil court of jurisdiction.

6. Having regard to the submissions made as above, since the 4th respondent police authority has issued a notice informing the petitioners of the action taken on their complaint as civil in nature, it is open for the petitioners to approach the appropriate forum to avail remedies in accordance with law.

7. Subject to the above observation and liberty, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR

CH. CH.
SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Director General of Police, The State of Telangana, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Hyderabad District, Hyderabad.
4. The Station House Officer, Banjara Hills, Hyderabad.
5. One CC to Sri. N. Venkateswara Rao, Advocate (OPUC)
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CD Copies.

PM

V. S. S.

HIGH COURT

DATED:19/08/2020

ORDER

WP.No.11715 of 2020



Disposing the WP
Without costs

⑨ VLW
25/8/20