

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

WEDNESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 13163 OF 2020

Between:

Mr. Khaled Bin Salej Jabri, S/o. Saleh Sayeed, Aged about 42 years, Occ. Business,
R/o. H. No.6-3-580/A, Khairatabad, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Rachakonda, Hyderabad, T.S.
3. Station House Officer, Balapur, Rachakonda Police, Hyderabad.
4. Ahmed Bin Sayeed, S/o. Sayeed Jabri, Aged about 45 years, Occ. Business R/o. H. No.18-13/2/1, Salala, Kothapet Road, Saroornagar Mandal, R.R. District.
5. Mr. Hussain Bin Sayeed, S/o. Sayeed Jabri, Aged about 55 years, Occ. Business, R/o. H. No.18-13/2/1, Salala, Kothapet Road, Saroornagar Mandal, R.R. District.
6. Mr. Abdul Rahman Wailaan, S/o. Ayaat Mohammed Wailaan, Aged about 37 years, Occ. Business, R/o. H. No.18-13/126, Salala Kothapet Road, Saroornagar Mandal, R.R. District.

...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 an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus to declaring that the inaction on the part of the Respondents in not taking any action in FIR No.67/2020 and also in not providing police protection to the petitioner property, i.e., open plot of 500 sq yds each in Sy. No.210/1 within the specified boundaries and situated at Balapur village of Jalpally Municipality, as per Representation, dated 08-08-2020 as illegal, untenable, unsustainable, and against the law as well as principles of natural justice and consequentially direct the Respondents to provide police aid to implement Judgment and Decree passed by the Hon'ble I Additional Junior Civil Judge, R.R. District, at LB Nagar in O.S. No.789 of 2019 as per representation dated.08.08.2020

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 direct the Respondent Authorities to consider the Representation, dated 08-08-2020 of the petitioner and provide police protection

Counsel for the Petitioner: SRI K. B. RAMANNA DORA

Counsel for Respondent Nos. 1 to 3: AGP FOR HOME

Counsel for Respondent Nos. 4 to 6: -----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.13163 OF 2020****ORDER:**

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondents 1 to 3.

2. This writ petition is filed alleging that even though cognizable crime was reported on 31.01.2020 on the complaint reported by the petitioner, Crime No.67 of 2020 was registered for the offences punishable under Section 447, 427 and 506 r/w 34 I.P.C., so far there is no progress in investigation. Petitioner alleges that he has an injunction order granted by the I Additional Junior Civil Judge, Ranga Reddy District at L.B. Nagar on 23.06.2020 restraining defendants 1 to 3 from interfering in possession and enjoyment of the suit schedule property, the defendants continued to interfere with the subject property and therefore he sought protection of the police to enforce the decree granted in his favour.

3. From the docket proceedings, it is seen that when the writ petition was considered on 24.08.2020, learned counsel for the petitioner sought two weeks time for taking steps to move before the concerned trial Court to seek police aid for implementing the said decree. Thus, petitioner on his own volition sought to take steps to move before the concerned trial Court to seek police aid for implementation of the decree.

4. Regarding the first limb of the prayer, as held by this Court in **Govind Raju Sami v. State of Telangana and Others**¹ and the Hon'ble Supreme Court in **M.Subramaniam and another v. S.Janaki and another**², if the petitioner has grievance against delay in investigation into the Crime No.67 of 2020, he has an effective and efficacious remedy under the Code of Criminal Procedure.

5. Granting the said liberty, the writ petition is disposed of. Miscellaneous petitions, if any pending, stand closed.

¹ 2019 (3) ALT 139

² 2020 SCC online S.C. 341

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner of Police, Rachakonda, Hyderabad, T.S.
3. The Station House Officer, Balapur, Rachakonda Police, Hyderabad.
4. One CC to Sri K B Ramanna Dora Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana (OUT)
6. Two CD Copies

MBC



HIGH COURT
DATED: 16/12/2020

ORDER

WP.No.13163 of 2020



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

~~8~~
~~KMA~~
~~24/12/2020~~