

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 19747 OF 2020

Between:

Birjoes Fatima Yar Khan, W/o Mr Jawid Yar Khan, Aged about 45 yrs. Occ. Household, R/o Ground Floor of house bearing No. 8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad.

...PETITIONER

AND

1. The Telangana State Police Department, rep. by its Commissioner, Hyderabad City, having office at Basheerbagh, Hyderabad.
2. The Station House officer, P.S. Golconda, Hyderabad.
3. Mrs Shahana Yasmeen, W/o Mr. Afzaluddin Khan, aged about 51 yrs. Occ. Housewife, R/o H.no. 8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad.

...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 pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action of the respondent No.2 in interfering into disputes of civil nature by way of summoning the petitioner to the police station and compelling her to give an undertaking to vacate the rented premises under her possession i.e. all that Ground floor portion of house bearing no. 8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad, under the threat of dire consequences is highly illegal, arbitrary, amounts to colourable exercise of powers and unconstitutional. Consequently, this Hon'ble Court may be pleased to direct the respondent No.2 not to interfere into disputes of civil nature in between the petitioner and the respondent No.3, in respect of all that Ground floor portion of house bearing no. 8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad, and pass any other order or orders as deemed fit and proper in the circumstance of the case in the interest of justice

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 pass an interim direction thereby directing the respondents not to dispossess the petitioner from the property i.e. all that Ground floor portion of house bearing no. 8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad, without following due process of law.

Counsel for the Petitioner :SRI MOHD OSMAN SHAHEED

Counsel for the Respondent Nos.1 & 2: AGP FOR HOME

Counsel for the Respondent No.3:-----

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19747 of 2020

ORDER :

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

2. According to petitioner, she is tenant of house bearing No.8-1-423/163/A, Teja Colony, Shaikpet, Hyderabad. The lease agreement was valid till 2020. With the mutual consent, agreement was extended for another period of eleven months. While so, till March, 2020, petitioner paid the rents and after March, 2020 as petitioner's vehicle was not being operated due to pandemic situation, the rents were not paid. Petitioner now alleges that at the instance of third respondent, who is the owner of the premises, the police are harassing her and compelling her to give undertaking to vacate the rented premises. Petitioner alleges that said action of police is illegal and by their conduct, police are interfering in her life and liberty.

3. According to learned Assistant Government Pleader, on complaint made by third respondent, GD entry was made and on conducting preliminary enquiry as it came to the notice of police that dispute between petitioner and the third respondent is civil in nature and the third respondent was, accordingly, informed and as of now, no complaint is pending with the police and police are not interfering in *inter se* civil disputes.

4. Recording the said statement, this writ petition is disposed of. It is needless to observe that if parties have any *inter se* disputes,

they are entitled to resolve those disputes according to law.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.ONESIM
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Commissioner, Telangana State Police Department, Hyderabad City, having office at Basheerbagh, Hyderabad.
2. The Station House officer, P.S. Golconda, Hyderabad.
3. One CC to Sri Mohd Osman Shaheed, Advocate [OPUC]
4. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

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HIGH COURT

DATED:19/11/2020

ORDER

WP.No.19747 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

7
28/11/20
JBL