

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

**THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 13687 OF 2022

Between:

1. Bukya Srinu, S/o Bukya Beema, Age 35 years, Occ. Ward Council Member, R/o Shanakapuram village, Mahabubabad District
2. Racha Rammurthy, S/o Sathaiah, Age 66 years, Occ. Retd. Employee, R/o H.No.2-6-28, Circuit House Road, Near R and B Guest House, Hanmakonda, Warangal District

...PETITIONERS

AND

1. State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Mahabubabad District.
3. The Additional Superintendent of Police, Mahabubabad District.
4. The Station House Officer, Mahabubabad Rural, Mahabubabad Nagar District
5. Ramadugu Brahmayya, S/o Veeraiah, Age 75 years, Occ. Agriculturist, R/o H.No.16-10-1278/1, Opp. Ramalayam, Shiva Nagar, Warangal Town, Warangal District.
6. Ramadugu Madhusudhan, S/o Brahmayya, Age 45 years, Occ. Business, R/o H.No.16-10-1278/1, Opp. Ramalayam, Shiva Nagar, Warangal Town, Warangal 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 order, direction or writ, more so, a writ in the nature of mandamus, directing the official respondents, not to interfere in the civil disputes, relating to the property of the petitioners, in Sy.No's 275/1 and 275/4, at Shanagapuram village, Mahabubabad Mandal and by declaring the action of the respondents as arbitrary, illegal and against law by infringing the fundamental rights of the petitioners, under Article 21 of the Constitution of India.

IA NO: 1 OF 2022

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 official respondents 1 to 4 herein, not to interfere in the civil disputes of the petitioners relating to his property situated in Sy.No's 275/1 and 275/4, at Shanagapuram village, Mahabubabad Mandal, during the pendency of the above writ petition.

Counsel for the Petitioners: SRI NIMMARABOINA NAVEEN

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

Counsel for the Respondent Nos. 5 and 6: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.13687 of 2022

ORDER:

This Writ Petition is filed for issue of writ of mandamus directing the official respondents, not to interfere in the civil disputes, relating to the property of the petitioners, in Sy. Nos.271/1 and 275/4, at Shanagapuram village, Mahabubabad Mandal and to declare the action of the respondents in causing interference, as being arbitrary, illegal and against law and infringing the fundamental rights of the petitioners and in violation of Article 21 of the Constitution of India.

2. Heard learned counsel for the petitioners and learned Government Pleader for Home appearing for respondent Nos.1 to 4 and with their consent, the Writ Petition is taken up for hearing and disposal at the admission stage.

3. Petitioners contend that they are the owners of the property situated in Sy. No.275/1 and 275/4 of Shanagapuram village, Mahabubabad Mandal having purchased under registered sale deeds from its vendor in the year 2016 and have been in possession and enjoyment thereof. That being so, the respondents, in particular the respondent No.4, at the behest of

respondent Nos.5 and 6, are seeking to interfere with the possession of the petitioners, which action it is contended as illegal and arbitrary.

4. Learned Government Pleader for Home has placed before this Court the written instructions under the signature of Sub-Inspector of Police, Mahabubabad Rural police station, Mahabubabad District dated 17.03.2022. A copy of the said written instructions, are taken on record.

5. By the said written instructions, it is stated that the 6th respondent had lodged a complaint on 05.03.2022 with regard to the incident that occurred on 08.10.2021 at about 17:00 hrs on the outskirts of Shanigapuram village wherein it is complained that the 1st petitioner has trespassed into the land of the complainant. Based on the said complaint made by respondent No.6, the 4th respondent claims to have registered a case in Crime No.38 of 202 under Sections 447 and 506 IPC against the 1st petitioner. By the said written instructions, it is further stated that based on another complaint made by the said 6th respondent on 14.03.2022, another crime is also registered being Crime No.50 of 2022 under Sections 447 and 427 IPC of Mahabubabad Rural police station on the same day

wherein the petitioner No.1 is arrayed as accused. By the said written instructions, it is stated that except investigating into the above stated two cases, the respondent police never interfered with the civil disputes at any point of time nor interfering in relation to property in Sy. Nos.275/1 and 275/4 situated at Shanigapuram village, Mahabubabad Mandal. By the said written instructions, the respondents contend that in order to exert pressure on the respondents from investigating the above two crimes, the petitioners have come up with the present Writ Petition.

6. I have taken note of the respective contentions urged.

7. A reading of the Writ Petition averments and the written instructions placed before this Court by the respondents indicate that there are *inter se* civil disputes between the petitioners and the unofficial respondents in the Writ Petition culminating in the 6th respondent lodging two complaints against petitioner No.1, on the basis of which, the respondent authorities have registered two crimes and are pending investigation. Since, the respondents registered two crimes against the petitioner No.1 and it is stated in the written instructions that except investigating into the above two crimes,

the respondents are not interfering in any civil disputes, much less in respect of the property of the petitioners situated in Sy. Nos.275/1 and 275/4 of Shanigapuram village, Mahabubabad Mandal, the respondents are directed to conduct investigation into the above two crimes, strictly, in accordance with law, and shall not interfere in civil disputes between the petitioners and the unofficial respondents in relation to the subject property.

8. Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

9. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR

GP
SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Superintendent of Police, Mahbubabad District.
3. The Additional Superintendent of Police, Mahabubabad District.
4. The Station House Officer, Mahabubabad Rural, Mahabubabad Nagar District
5. One CC to Sri Nimmaraboina Naveen, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
7. Two CD Copies
8. One Spare Copy

GJ
BS

V. J.

HIGH COURT

DATED:24/03/2022



ORDER

WP.No.13687 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) $\frac{VW}{6/6/22}$