

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

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 15630 OF 2021

Between:

1. V. Varaprasada Raju, S/o. V. Narsa Raju, Aged 57 years, Occ: Business, R/o. Plot No.1, Dyanish Lake Front Apartment, Block No-1, Manjeera Road, Madeenaguda, Chanda Nagar, Ranga Reddy District.
2. Mr. Devi Reddy Jagan Mohan Reddy, S/o. D. Govind Reddy, Aged 49 years, Occ: Business, R/o. Flat No.402, Sri Laxmi Tower, Annapurna Enclave, Chanda Nagar, Ranga Reddy District.

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principle Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Deputy Commissioner of Police, North Zone, Hyderabad.
3. The Station House Officer, Tukaram Police Station, Secunderabad, Hyderabad.
4. The Tahsildhar, Marrepally Mandal, Secunderabad.
5. Sri. M. Sreenivas Goud, S/o. M. Sidda Goud, Aged 47 years, Occ: Business, R/o. Flat No. 301, Sai Krupa Apartments, East Marredpally, Secunderabad.

...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 of the respondents Nos. 2 and 3 in not providing the police protection in terms of order, dated 8/5/2015 made in IA No. 161 of 2015 in OS No. 164 of 2015 on the file of the Court of the Honourable XI Junior Civil Judge, City Civil Court at Secunderabad as being illegal and arbitrary apart from violative of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the 2nd and 3rd respondents to grant police aid to the

Petitioners for protecting the possession and enjoyment over the land measuring 900 Sq.Yards in Sy. No. 74/10 of East Marredpally by implementing the orders of court made in IA No. 130/2015 in OS No. 164/2015, dated 4/5/2015 in the interest of justice.

IA NO: 1 OF 2021

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 respondent No. 4 to desist from interfering with the peaceful possession and enjoyment of the land admeasuring an extent of 900 Sq. yards forming part and parcel of property admeasuring Ac.9.20 guntas belonging to the Petitioners situated in survey No. 74/10 East Marredpally, Secunderabad in the interest of justice, pending disposal of the above Writ Petition.

IA NO: 2 OF 2021

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 Respondents Nos. 2 and 3 to grant Police Aid to the Petitioners in terms of order, dated 8/5/2015 by implementing the orders made in IA No. 130/2015 in OS No. 164/2015, dated 4/5/2015 in the interest of justice, pending disposal of the above Writ Petition.

Counsel for the Petitioners: SRI. P. SHASHI KIRAN

Counsel for the Respondent Nos. 1 to 3: GP FOR HOME

Counsel for the Respondent No. 4: GP FOR REVENUE

Counsel for the Respondent No. 5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.15630 of 2021

ORDER:

The petitioners herein seek a writ of Mandamus declaring the action of the respondent Nos.2 and 3 in not providing police protection in terms of the order, dated 08.05.2015 made in I.A.No.161 of 2015 in O.S.No.164 of 2015 on the file of XI Junior Civil Judge, City Civil Court, Secunderabad, as illegal, arbitrary and consequently direct the respondent Nos.2 and 3 to grant police aid to the petitioners for protecting the possession and enjoyment over the subject land admeasuring 900 square yards in Sy.No.74/10 situated at East Marredpally, Secunderabad.

2. Heard the learned counsel for the petitioners, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3, learned Government Pleader for Revenue appearing for respondent No.4 and perused the record.

3. Learned counsel for the petitioners would contend that the petitioners obtained a police protection order vide order dated 08.05.2015 made in I.A.No.161 of 2015 in O.S.No.164 of 2015 on the file of XI Junior Civil Judge, City Civil Court, Secunderabad, for protection of the subject property. In spite of the same, there is

interference into the subject property by the unofficial respondent No.5 and ultimately sought a direction to the respondent Nos.1 to 3 to protect the possession of the petitioners over the subject property.

4. A perusal of the order, dated 08.05.2015, made in I.A.No.161 of 2015 in O.S.No.164 of 2015 on the file of XI Junior Civil Judge, City Civil Court, Secunderabad, reveals that the respondent No.4 herein/Tahsildar, Marredpally Mandal, Secunderabad, was not made a party respondent to the said suit. The learned Government Pleader for Revenue would submit that Sy.No.74/10 of East Marredpally Village, Secunderabad, does not exist at all in the revenue records. He would further contend that the entire land in Sy.No.74 of East Marredpally Village, Secunderabad, is Government land and the Government is in ownership and possession of the said land and no part of land in the Sy.No.74 of East Marredpally Village, Secunderabad, was allotted to the petitioner or to his family members.

5. The petitioners are claiming land in Sy.No.74/10 of East Marredpally Village, Secunderabad, under an unregistered sale deed, dated 16.05.1994, validated by the District Registrar. Admittedly, in the subject police protection order, dated 08.05.2015, respondent No.4 herein/Tahsildar is not a party respondent. Admittedly, respondent No.4/Tahsildar is not a party to the subject suit in

O.S.No.161 of 2015, so also to I.A.No.161 of 2015 in the said suit. It is submitted by the learned Government Pleader for Revenue that the ad-interim injunction order, dated 04.05.2015, passed in the subject suit in O.S.No.164 of 2015 was obtained by the petitioners in collusion with respondent No.5 herein. It appears that the petitioners did not approach this Court in all fairness and there is suppression of material facts. Further, factual aspects have come up for adjudication in this writ petition. It is settled legal position that where disputed questions of fact are involved, a petition under Article 226 of the Constitution of India is not a proper remedy. Under these circumstances, the petitioners are not entitled for the relief sought in this writ petition. The writ petition is devoid of merit and is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI P. SHASHI KIRAN, Advocate. [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies
5. One Spare Copy

TR

V. J. 2

HIGH COURT

DATED:02/03/2022

ORDER

WP.No.15630 of 2021



DISMISSING THE WRIT PETITION
WITHOUT COSTS

8 vlv
1/4/22