

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

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 24352 OF 2022

Between:

Aliga Moses, S/o. Yesu, Aged about 23 years, Occ. Pastor R/o. H.No. 16-11-20/4/A, Saleem Nagar, Malakpet, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. By its Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Basheerbagh, Hyderabad
3. The Station House Officer, P.S. Malakpet, Hyderabad.
4. Umesh Kumar Jaiswal, S/o. S. Ganesh Pershad Jaiswal Aged about 55 years, Occ. Business, R/o. H.No 14-8-569, Radha Kunj, Chudi Bazar, Hyderabad, T.S.

...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 action of the respondent No.3 in supporting the 4th respondent in evicting the petitioner and trying to demolishing the premises bearing H.No. 16-11-16/M/4/10 admeasuring 203 Square yards situated at Teegalaguda, Mossarambagh, Hyderabad, Telangana State (i.e. Bethlehem Church) without giving any prior notice to the petitioner nor following the due process of law or affording opportunity of hearing the petitioner is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioner from the above schedule property premises without giving an opportunity to the petitioner to implead in the E.P. No.

582 of 2021 in O.S. No. 229 of 2020 on the file Honourable XIX Junior Civil Judge, City Civil Court at Hyderabad which is illegal unlawful contrary to law.

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 grant stay of all further proceedings in E.P. No. 582 of 2021 in O.S. No. 229 of 2020 on the file of the Honourable XIX Junior Civil Judge, City Civil Court at Hyderabad by restraining the respondents from evicting and demolishing the church premises bearing H.No. 16-11-16/M/4/10 admeasuring 203 Square yards situated at Teegalaguda, Mossarambagh, Hyderabad, Telangana State and to permit the petitioner to perform the prayer as usual , pending disposal of the main writ petition and deem fit and proper in the circumstances of the case. SUIT SCHEDULE PROPERTY All the land in H.No. 16-11- 16/M/4/10 , admeasuring 203 Square Yards , Teegalaguda, Mossarambagh, Hyderabad, Telangana State and bounded by : North : Municipal Park South : Burial Ground East : Sub- Road, West : Burial Ground.

Counsel for the Petitioner: SRI G. SANGEETHA

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

Counsel for the Respondent No. 4: ----

The Court made the following: ORDER

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.24352 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.3 in supporting respondent No.4 in evicting the petitioner and trying to demolish the premises bearing H.No.16-11-16/M/4/10 admeasuring 203 sq. yards, situated at Teegalaguda, Mossarambagh, Hyderabad, i.e., Bethlehem Church, without giving any prior notice to the petitioner and without following due process of law or affording opportunity of hearing the petitioner, as illegal and arbitrary.

2. Heard learned counsel for the petitioner Ms. G. Sangeeta and learned Assistant Government Pleader for Home for respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that without issuing any notice to the petitioner, the respondent police have helped respondent No.4 in evicting the petitioner and also trying to demolish the subject premises and the action of the respondents is illegal and arbitrary and hence, the petitioner has come up before this Court.

4. Learned Assistant Government Pleader for Home, on instructions, submits that on 01-06-2022, the Court Bailiff, City Civil Court, has given a letter to the Station House Officer, Malakpet, with a request to provide necessary police aid at the time of execution of the

warrant and to vacate the property at H.No.16-11-16/M/4/10 at Moosrambagh, Hyderabad, as per the orders in E.A.No.582 of 2021, and on receipt of the said letter, the police have made a GD entry and given police aid to the Court authorities and except giving police aid, the respondents are not concerned with any other issues nor they tried to evict the petitioner from the subject premises at any point of time.

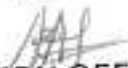
5. The case of the petitioner is that without giving any notice, he has been evicted. If the petitioner is not served with any notice in the Execution Proceedings, this Court is not the forum and further, the police, as per the orders in E.A.No.582 of 2021, have granted police protection and hence, this Court finds no reason to entertain the present writ petition.

6. Hence, the Writ Petition is dismissed. No order as to costs.

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

SD/-T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

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

NPJ

GJP

HIGH COURT
DATED:07/06/2022

ORDER

WP.No.24352 of 2022



DISMISSING THE WRIT PETITION
WITHOUT COSTS.

⑥
MA
16/7/22