

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

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 27426 OF 2022

Between:

Pathan Madar Sab, S/o. Pathan Lal Sab, aged about 32 years, Occ Small Hotel Business, R/o. Keethavarigudem village, Garidepally Mandal, Suryapet District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Superintendent of Police, Suryapet District, Suryapet
3. The Station House Officer, Police Station Garidepally at Garidepally, Suryapet District.
4. The Chairman, Primary Agriculture Cooperative Society, Rayanigudem at Keethavarigudem village, Garidepally (M), Suryapet 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 or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in interfering with the shop of the petitioner at R and B main road, Keethavarigudem of Garidepally Mandal, Suryapet District at the instance of the 4th respondent without following due process of law, as illegal, unlawful, contrary to law and consequently direct the 3rd and 4th respondents not to interfere with the above shop of the petitioner without following due process of 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 interim order directing the 3rd respondent police not to interfere with the possession and enjoyment of the shop of the petitioner at Keethavarigudem of

Garidepally Mandal, Suryapet District which is abutting to R&B Main Road without following due process of law, pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI M. DAMODAR REDDY
Counsel for the Respondent Nos.1 to 3: AGP FOR HOME
Counsel for the Respondent No.4:-----

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.27426 of 2022

ORDER:

This writ petition is filed questioning the action of respondent police in interfering with the shop of the petitioner at R & B main road, Koethavarigudem of Garidepally Mandal, Suryapet District at the instance of the respondent No.4 without following due process of law, as illegal and arbitrary.

2. Heard Mr. M. Damodar Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that at the behest of respondent No.4, the respondent police are interfering with the petitioner's shop and trying to dispossess the petitioner. He submits that the 4th respondent PACS has passed a resolution on 15.03.2022 to remove the shop of the petitioner as the same is not in accordance with vastu. He submits that the said resolution was opposed by the petitioner and other villagers and now at the behest of the PACS, the respondent police are interfering and trying to dispossess the petitioner.

4. Learned Assistant Government Pleader on written instructions submits that earlier a complaint was registered against the petitioner vide crime No.94 of 2022 on 07.05.2022 for the offences under Section 341, 504 and 506 r/w 34 IPC. He further submits that another crime No. 115 of

2022 was also registered against the petitioner on 07.06.2022 for the offences under Sections 341, 323 and 504 r/w 34 IPC and in both the cases, they have filed charge sheet. It is stated that except conducting investigation into the said crimes, as alleged by the petitioner, they are not interfering with the possession of the petitioner's shop. He submits that the petitioner has come with false allegations and with all incorrect facts.

5. Recording the submission of learned Assistant Government Pleader that they are not interfering with the petitioner's shop, this writ petition is disposed of. There shall be no order as to costs.

The miscellaneous applications, if any shall stand automatically closed.

SD/-PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Superintendent of Police, Suryapet District, Suryapet
3. The Station House Officer, Police Station Garidepally at Garidepally, Suryapet District.
4. The Chairman, Primary Agriculture Cooperative Society, Rayanigudem at Keethavarigudem village, Garidepally (M), Suryapet District.
5. One CC to Sri M. Damodar Reddy, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy

Sm

GJP

HIGH COURT
DATED:05/07/2022

ORDER

WP.No.27426 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

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MA
16/7/22