

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

**THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI ✓

WRIT PETITION NO: 29108 OF 2022 ✓

Between:

Mohammed Zameer, S/o Md. Zafar, aged about 39 Years, Occ Business, R/o
H.No. 2-67, Palmakole village, Shamshabad Mandal, Ranga Reddy District.

...PETITIONER ✓

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Hyderabad, Gachibowli, Hyderabad.
3. The Deputy Commissioner of Police, Shamshabad Zone, Ranga Reddy District.
4. The Station House Officer Rural Police Station, Shamshabad, Ranga Reddy District.
5. The District Panchayat Raj Officer, Ranga Reddy District, Lakadikapool, Collectorate Complex, Hyderabad.
6. The Palmakole Gram Panchayat, Palmakole Village, Shamshabad Mandal, Ranga Reddy District. Rep.by its Panchayat Secretary. ✓
7. Panuganti Srikanth, S/o. Balakistaiah, aged about 30 years, Occ Business, R/o. Pilloniguda Village, Shamshabad Mandal, Ranga Reddy District ✓
8. Panuganti Ramesh, S/o. Pochaiah, aged about 40 years, Occ Business, R/o. Pilloniguda Village, Shamshabad Mandal, Ranga Reddy District. ✓
9. Panuganti Srinivas, S/o. Balakistaiah, aged about 28 years, Occ Business, R/o. Pilloniguda Village, Shamshabad Mandal, Ranga Reddy 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 appropriate Writ, order or direction more particularly one in the nature of Writ of MANDAMUS declaring the inaction of the official respondents 2 to 4 to register the complaint dated 04-07-2022 of the petitioner

against the respondents 7 to 9 till date, that the acts on part of the respondents 7 to 9 clearly constitute offences punishable Under Sections 447, 420, 506 of IPC and also the inaction of the respondents 5 and 6 in stopping the illegal construction of the respondents 7 to 9 in the petitioners land is arbitrary, illegal, capricious and violative of provisions of Cr.P.C as well as the guidelines issued by the Constitutional Bench of Apex Court and consequently to direct the respondents 2 to 4 to adhere to the guidelines laid down by the Apex Court in registering and investigation forthwith and also to direct the respondents 5 and 6 to stop the illegal construction of the respondents 7 to 9 in the petitioners land.

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 respondents 5 and 6 to stop the illegal construction of the respondents 7 to 9 in the petitioners land in survey No. 519/a2, an extent of Ac.0.32 gts, situated at Palmakole Village, Shamshabad Mandal, Ranga Reddy District by considering the petitioners representations dated 04-07-2022, pending disposal of the above writ petition in this Honble Court/

Counsel for the Petitioner : SRI. M/S AHMED LAW FIRM

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

Counsel for the Respondent No. 5 : GP FOR PANCHAYAT RAJ RURAL DEV

**Counsel for the Respondent No. 6 : SRI C KALYAN RAO, SC FOR ZPP, MPP,
GPS**

Counsel for the Respondent Nos 7 to 9 : —

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.29108 of 2022

ORDER:

This writ petition is filed questioning the action of respondent police in not registering the petitioner's complaint dated 04.07.2022 to provide police protection and also inaction of the respondent Nos.5 and 6 to consider the representation dated 04.07.2022 to stop the illegal construction of the respondent Nos.7 and 8 in land admeasuring Ac.0.32gutnas situated in survey No.519/a2 of Palmakole Village, Shamshabad Mandal, Ranga Reddy District, as illegal and arbitrary.

2. Heard Mr. Ahmed Law Firm, learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4 and learned Government pleader for Panchayat Raj appearing for respondent No.5.

3. Learned counsel for the petitioner submits that the petitioner is owner of the subject property and earlier, he made a complaint to the respondent police with regard to the illegal interference made by the unofficial respondent Nos.7 and 8. He submits that the respondent police have registered a case in crime No.218 of 2022 against the respondent Nos.7 and 8 for the offences under Section 447 and 427 r/w 34 IPC. He submits since the respondent police are not conducting a proper

investigation in collusion with respondent Nos.7 and 8, the petitioner again gave a representation dated 04.07.2022 to the respondent police seeking police protection and also another representation dated 04.07.2022 to respondent Nos.5 and 6 to stop the illegal construction, but no action has been initiated by them. Hence, the petitioners are constrained to approach before this court.

4. Learned Assistant Government Pleader for Home submits that on the earlier complaint given by the petitioners, they have already registered a case in crime No.218 of 2022 against the respondent Nos.7 and 8 for the offences under Section 447 and 427 r/w 34 IPC. He submits that the police have already conducted investigation and filed charge sheet in the said crime and the same is pending on the file of XI Metropolitan Magistrate, Cyberabad at Rajendranagar and presently, the said case is under PT vide No.1515 of 2022. He submits that in subsequent representation dated 04.07.2022, the petitioner has sought police protection under the guise of above said crime stating that the respondent police are not conducting investigation in a fair manner. He submits that the police have made GD entry of the said representation and are conducting enquiry in the matter

and will take action once the enquiry is concluded. He submits that they are not interfering with the civil disputes except conducting investigation.

5. This court has perused the representations dated 04.07.2022 of the petitioner where the main allegation of the petitioner against the respondent No.7 and 8 is that they are claiming the subject property by creating documents. Thus, it appears that there is a title dispute between the parties with regard to the subject property. This court cannot decide the title disputes and cannot direct the respondents either to give police protection or to stop the illegal construction. The appropriate remedy available to the petitioner is to approach the civil court, but not this court.

6. Accordingly, this writ petition is disposed of giving liberty to the petitioner. No order as to costs.

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

//TRUE COPY//

SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Department of Home Secretariat, State of Telangana, Hyderabad.

2. The Commissioner of Police, Cyberabad Hyderabad, Gachibowli, Hyderabad.
3. The Deputy Commissioner of Police, Shamshabad Zone, Ranga Reddy District.
4. The Station House Officer Rural Police Station, Shamshabad, Ranga Reddy District.
5. The District Panchayat Raj Officer, Ranga Reddy District, Lakadikapool, Collectorate Complex, Hyderabad.
6. The Panchayat Secretary, Palmakole Gram Panchayat, Palmakole Village, Shamshabad Mandal, Ranga Reddy District.
7. One CC to SRI. M/S AHMED LAW FIRM [OPUC]
8. One CC to SRI C KALYAN RAO, SC FOR ZPP, MPP, GPS [OPUC]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
10. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court for the State of Telangana at Hyderabad. [OUT]
11. Two CD Copies.
12. One Spare Copy.

CKY



HIGH COURT

DATED:14/07/2022



ORDER

WP.No.29108 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

15
MMA
30/8/2022