

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

**TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 29565 OF 2022

Between:

Mohammed Abdullah, S/o Mohammed Abdul Salem, Aged about 36 years, Occ ;
Business, R/o H.No.8-1-40/A/5, Samata Colony, Toli Chowki, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Police Commissionerate, Cyberabad at Gachi Bowli, Hyderabad.
3. The Station House Officer, Miyapur Police Station, Hyderabad.

...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 arbitrary and illegal action of the 3rd respondent in not releasing the petitioner's bulls 5 Nos. even after submitting the reply and necessary documents subsequent to the issuance of Notice bearing No.885/Cr/2022 dated 11-07-2022 issued by the 3rd respondent and F.I.R.No.885/2022 dated 09-07-2011 for the offence alleged u/s 11 of Prevention of Cruelty to Animals Act contrary to law and well settled principles of law and consequently direct the 3rd respondent police to handover bulls (5 Nos.) which was purchased through Order No.A/312/2022 dated 06-07-2022 from Thai Bazar, Jalpally Municipality.

I.A.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 3rd respondent police to handover bulls (5 Nos.) to the petitioner which was purchased through Order No.A/312/2022 dated 06-07-2022 from Thai Bazar, Jalpally Municipality.

Counsel for the Petitioner : SRI.MOHAMMED ASLAM

Counsel for the Respondents : GP FOR HOME

The Court made the following ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.29565 of 2022

ORDER:

This writ petition is filed questioning the action of the respondent No3 in not releasing the petitioner's bulls 5 in numbers even after submitting the reply and necessary documents subsequent to the issuance of notice bearing No. 885/Cr/2022 dated 11.07.2022, as illegal and arbitrary.

2. Mr. Mohammed Aslam, learned counsel for the petitioner submits that the respondent police have registered Crime No. 885 of 2022 on 09.07.2012 against the petitioner for the offence under Section 11 of Prevention of Cruelty to Animals Act. He submits that in spite of the petitioner's representation and other relevant documents being submitted, the respondent police are not releasing the bulls.

3. Learned Assistant Government pleader for Home submits that they have deposited the bulls before the VIII Metropolitan Magistrate Court, Kukatpally.

4. Once the crime is registered and the police after seizing the articles or any other things, in the process, when the same was submitted before the court, the person who is aggrieved or who seeks interim custody of the same shall file an appropriate petition under Section 451 of the Cr.P.C and he cannot approach

this court by way of writ petitioner.

5. Accordingly, this writ petition is disposed of. No order as to costs.

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

//TRUE COPY//

SD/-T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Department of Home, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner of Police, Cyberabad Police Commissionerate, Cyberabad at Gachi Bowli, Hyderabad.
3. The Station House Officer, Miyapur Police Station, Hyderabad.
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI.MOHAMMED ASLAM, Advocate [OPUC]
6. Two CD Copies
7. One spare copy

S.A.

GJP

HIGH COURT
DATED:19/07/2022

ORDER
WP.No.29565 of 2022



DISPOSING OF THE W.P
WITHOUT COSTS.

(9)

MA
20/8/22