

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

**WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 259 OF 2023

Between:

1. Mohammed Nizam Uddin, S/o Mohammed Hameed Uddin, Occ. Business, R/o H.No. 19-3-543/16, Ali Nagar, Jahanuma, Hyderabad.
2. Mohammed Hameed Uddin, S/o Late Mohammed Zainulabidin, Occ. Retd., Employee, R/o H.No. 19-3-543/16, Ali Nagar, Jahanuma, Hyderabad

...PETITIONER(S)

AND

1. The State of Telangana, rept., by It's Principal Secretary Home Department, Secretariat Building, Saifabad, Hyderabad
2. The Commissioner of Police, Hyderabad City Police, At Basheerbag, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Purani Haveli, Hyderabad, Telangana.
4. The Assistant Commissioner of Police, Santosh Nagar, Hyderabad, Telangana.
5. The Station House Officer, Madanapet Police Station, Madanapet, Hyderabad, Telangana State.
6. Mr. Mohammed Saber, S/o Mohammed Azam. Aged about 68 years, Occ. Business, R/o H.No. 17-1-178/19, Sri Nagar Colony, Madannapet, Hyderabad-500059.

...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, more particularly one in the nature of Mandamus, declaring the action of the respondents herein particularly respondent Nos. 5 on the behest of respondent No. 6 in interfering into "civil dispute" pressurizing to increase the rent for premises shop bearing Nos. 1,2 and 3 admeasuring 960 square feet, portion of ground floor, SABER RESIDENCY at premises bearing Municipal No.17-1-178/19, situated at Sri Nagar Colony, Madannapet, Hyderabad, otherwise to evict the demised premises pending O.S No. 2745 of 2022 on the file of the XIX Junior Civil Judge, City Civil Court at Hyderabad in the guise of conducting investigation in Crime No. 97/2022 of P.S

Madannapet, Hyderabad as highly illegal, arbitrary, abuse of process of law, violation of petitioners legal and fundamental right guaranteed under Constitution of India in consequence direct respondent No.5 herein not to interfere into "civil matter" not to pressurize petitioners for increment of rent or eviction in respect of premises shop bearing Nos. 1,2 and 3 admeasuring 960 square feet, portion of ground floor, SABER RESIDENCY at premises bearing Municipal No.17-1-178/ 19, situated at Sri Nagar Colony, Madannapet, Hyderabad

IA NO: 1 OF 2023

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 respondent No.5 to file final report in FIR No. 97/2022 of P.S Madannapet, Hyderabad without any further delay

Counsel for the Petitioner(s):SRI. MIR MUKARRAM ALI

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.259 OF 2023

ORDER:

This writ petition is filed to declare the action of respondent No.5- Station House Officer, Madanapet Police Station, in interfering in the civil disputes in connection with shop bearing Nos.1, 2 and 3 admeasuring 960 sq. feet, portion of ground floor, Saber Residency at premises bearing Municipal No.17-1-178/19 situated at Sri Nagar Colony, Madannapet, Hyderabad, at the instance of respondent No.6, as being illegal, arbitrary and unconstitutional.

2. Petitioner No.1 is the son of petitioner No.2. The case of the petitioners is that a suit in O.S.No.2745 of 2022 on the file of XIX Junior Civil Judge, City Civil Court, Hyderabad, was filed by respondent No.6 for eviction, and the same is pending. The petitioners are admittedly tenants of respondent No.6. Even before eviction decree is passed against the petitioners, respondent No.6 had been influencing respondent No.5-Station House Officer, Madannapet Police Station, to evict them from the subject shops.

3. Learned Assistant Government Pleader for Home, having received the written instructions, submitted that the police did not interfere in the civil disputes as alleged by the petitioners. A complaint was lodged by respondent No.6 against the petitioners and the same

was registered as Crime No.97 of 2022 of Madannapet Police Station, on 25.05.2022 for the offences under Sections 419, 420, 447, 427 and 506 of Indian Penal Code, 1860. That except doing investigation, the police did not interfere in the civil disputes.

4. In the circumstances, the writ petition is disposed of directing respondent No.5-Station House Officer, Madannapet Police Station, not to interfere in the civil disputes between the petitioners and respondent No.6 without following due process of law, and to follow the guidelines issued by the Honourable Supreme Court in **Arnesh Kumar v. State of Bihar**¹ while conducting investigation in Crime No.97 of 2022.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed. No order as to costs.

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary Home Department, Secretariat Building, Saifabad, State of Telangana, Hyderabad
2. The Commissioner of Police, Hyderabad City Police, At Basheerbag, Hyderabad.
3. The Deputy Commissioner of Police, South Zone, Purani Haveli, Hyderabad, Telangana.
4. The Assistant Commissioner of Police, Santosh Nagar, Hyderabad, Telangana.
5. The Station House Officer, Madanapet Police Station, Madanapet, Hyderabad, Telangana State.
6. One CC to SRI. MIR MUKARRAM ALI Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
8. Two CD Copies

¹ (2014) 8 SCC 273

HIGH COURT

BVR,J

DATED:25/01/2023



ORDER

WP.No.259 of 2023

**WP IS DISPOSED
OF WITHOUT COSTS**