

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

**FRIDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 3833 OF 2023

Between:

Mohd. Younus Parvez, s/o. Late Mohd. Ghouse, Occ. Business R/o. Flat No. 401, IV Floor, Hardhik Amber Apartment, D.No. 5-8-337 to 340/HA, Chapel Road, Chiragh Ali Lane, Hyderabad, T.S

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Hyderabad City, at Basheerbagh, Hyderabad
3. The Deputy Commissioner of Police, Central Zone, Hyderabad
4. The Assistant Commissioner of Police, Abids, division, Hyderabad.
5. Station House officer, P.S. Abids, Hyderabad
6. Mr. Mohan Kumar Khurana, s/o. Late. Dr. A.C. KHurana, Occ. Business, R/o. 4th Floor, Ram Chandra Apartment, Beside SBI Hyderguda, Hyderabad -29

...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 appropriate Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Respondents No. 5 in interfering with the civil dispute subject matter of OS No. 1033 of 2021 on the file of Hon'ble III Junior civil Judge, City Civil Court, Hyderabad in respect of Flat No. 401, 4th Floor, Hardik Amber Apartments, H.No. 5-8-337 to 340/HA/401, admeasuring 1030 sq. feet, including common area and two car parkings together undivided share of land 28.58 sq. yards out of total land area 883.96 sq. yards, situated at Chapel Road, Chiragh Ali Lane, Abids, Hyderabad, T.S, threatening and harassing me to settle down civil dispute with unofficial respondent under threat of foisting false criminal cases despite pendency of CC/NI/1506/2022 and CC/NI/15077/2022 on the file of XII ACMM, Hyderabad as

arbitrary, illegal, unconstitutional and violative of my fundamental rights guaranteed under Article 21, 300 A of the Constitution of India and well settled law as rendered by this Hon'ble Court as well as Apex Court. Consequently, to direct the respondent No.5 not to interfere in the civil dispute pending O.S No. 1033 of 2021 on the file of III Junior Civil Judge, City Civil court, Hyderabad and CC/NI/1506/2022 and CC/NI/15077/2022 on the file of XII ACMM, Hyderabad in the interest of justice and to pass

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 the respondent No.5 not to interfere in the civil dispute pending O.S No. 1033 of 2021 on the file of III Junior Civil Judge, City Civil court, Hyderabad and CC/NI/1506/2022 and CC/NI/15077/2022 on the file of XII ACMM, Hyderabad or otherwise, and harass me in any manner pending disposal of the Writ Petition and to pass

Counsel for the Petitioner: SRI. SYED MOUNIS JAFER ABIDI

Counsel for the Respondent Nos 1 to 5: AGP FOR HOME

Counsel for the Respondent No 6: SRI AADESH VARMA

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.3833 OF 2023

ORDER: (ORAL)

This writ petition is filed to declare the action of respondent No.5-Station House Officer, Abids Police Station, Hyderabad, in interfering with the property which forms the subject matter in O.S.No.1033 of 2021 on the file of III Junior Civil Judge, City Civil Court, Hyderabad, as being illegal, arbitrary and unconstitutional.

2. Heard Mr. S. Mounis Abidi, learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5 and Mr. Aadesh Varma, learned counsel for respondent No.6, and perused the material available on record.

3. Learned counsel for respondent No.6 submitted that a private complaint was lodged by respondent No.6 before the II Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, against the petitioner and one Mehraj Sultana in respect of the suit schedule property in O.S.No.1033 of 2021. The said complaint was referred to Abids Police Station and Crime No.339 of 2022 was registered on 02.12.2022 under Sections 418, 420, 406, 409, 448 and 506 of Indian Penal Code, 1860, against Mehraj Sultana-accused No.1 and the petitioner-accused No.2. In respect of the subject property,

the petitioner has entered into a registered agreement of sale-cum-General Power of Attorney with respondent No.6. The petitioner colluded with the tenant of the property, who is accused No.1, and forcibly entered into the possession of the subject property. The police are conducting investigation in Crime No.339 of 2022.

4. Learned Assistant Government Pleader, having received the written instructions, submitted that the police are conducting investigation in Crime No.339 of 2022 and at no point of time, respondent No.5 has harassed, threatened or interfered with life and liberty of the petitioner nor has taken coercive steps against the petitioner.

5. Recording the submissions of the learned Assistant Government Pleader and the learned counsel for respondent No.6, the writ petition is disposed of directing respondent No.5-Station House Officer, Abids Police Station, Hyderabad, to conduct investigation in Crime No.339 of 2022 in accordance with law.

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

SD/-N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

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

2. The Commissioner of Police, Hyderabad City, at Basheerbagh, Hyderabad
3. The Deputy Commissioner of Police, Central Zone, Hyderabad
4. The Assistant Commissioner of Police, Abids, division, Hyderabad.
5. Station House officer, P.S. Abids, Hyderabad
6. Mr. Mohan Kumar Khurana, s/o. Late. Dr. A.C. KHurana, Occ. Business, R/o. 4th Floor, Ram Chandra Apartment, Beside SBI Hyderguda, Hyderabad -29
7. One CC to SRI. SYED MOUNIS JAFER ABIDI, Advocate [OPUC]
8. One CC to SRI. AADESH VARMA, Advocate [OPUC]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana, Hyderabad. [OUT]
10. Two CD Copies

HIGH COURT

BVR, J

DATED: 24/02/2023

ORDER

WP.No.3833 of 2023

**WP IS DISPOSED
OF WITHOUT COSTS**

