

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

WEDNESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 9839 OF 2023

Between:

Ahsan Ahmed Shaker, S/o.Akhter Ahmed Shaker Aged 41 yrs, Occ Business R/o.
H.No.19-2-23/M/18 Mecca Colony, Near Boston Mission High school Kalapather,
Tadban, Bahadurpura, Hyderabad-64

...PETITIONER

AND

1. The State of Telangana, Rep its Principal Secretary Home Department
Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad, TS
3. The Station House Officer, Kalapather Police station Nampally, Hyderabad,
TS

...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, order or Direction more particularly one in the nature of Writ of mandamus declaring the action of the respondent no.3 in frequently calling the petitioner to the police station and detaining the petitioner for long hours without there being any FIR or case registered against the petitioner and without following due process of law as illegal arbitrary and violative of article 14, 21 and 22 of Indian constitution and against the principles of natural justice and Consequently direct the respondent no.3 to restrain from interfering with the personal life and liberty of the petitioner herein And further direct the respondent no.3 to restrain from taking any coercive steps against the petitioner herein without following due process of law.

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.3 to restrain from interfering with the personal life and liberty of the petitioner herein And further direct the respondent no.3 to restrain from taking any coercive steps against the petitioner herein without following due process of law pending disposal of the main writ petition/.

Counsel for the Petitioner : SRI KHAJA ZIAUDDIN

Counsel for the Respondents : GP FOR HOME

The Court made the following: ORDER

1

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.P.No.9839 of 2023

ORDER:

This writ petition is filed seeking the following relief:

"...to issue a Writ order or Direction more particularly one in the nature of Writ of mandamus declaring the action of the respondent No.3 in frequently calling the petitioner to the police station and detaining the petitioner for long hours without there being any FIR or case registered against the petitioner and without following due process of law as illegal arbitrary and violative of article 14, 21 and 22 of Indian constitution and against the principles of natural justice and Consequently direct the respondent no 3 to restrain from interfering with the personal life and liberty of the petitioner herein and further direct the respondent no. 3 to restrain from taking any coercive steps against the petitioner herein without following due process of law and may pass..."

2. It is the case of the petitioner that though no case is registered against him, the respondent No.3 officials are summoning the petitioner to police station and made him to sit for hours together and harassing on one pretext or the other. Specific instances have been mentioned in the affidavit filed in support of the writ petition,

stating that on 01.04.2023 at about 5.P.M, the officials of respondent No.3 came to the house of the petitioner and when the petitioner was not available, the police stood outside the house of the petitioner and keeping surveillance on the petitioner and further the family members are also summoned to appear before the police without even informing any reasons.

3. The learned Assistant Government Pleader for Home has submitted that a case in Cr.No.34 of 2023 has been registered against the petitioner for the offence punishable under Section 324 r/w 34 I.P.C. For the purpose of investigation into the said crime, on reliable information, the petitioner was called to the police station for enquiry purpose. Infact, the respondents have not interfered with the personal liberty of the petitioner or his family members in any manner and the respondents will take appropriate action if the petitioner's presence is required in future by following due process of law.

4. Since, no crime is registered against the petitioner as per the submissions made by the Assistant Government Pleader, this Court

deem it appropriate to dispose of the writ petition, directing the police not to call the petitioner to the police station and harass the petitioner, violating his personal liberty in any manner, except by following the due procedure prescribed in law.

5. With the above said observations, Writ Petition is disposed of.
No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- G. SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Home Department Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad, TS
3. The Station House Officer, Kalapather Police station Nampally, Hyderabad.
4. One CC to SRI KHAJA ZIAUDDIN Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
6. Two CD Copies.

BSK

GJP

HIGH COURT

DATED:14/06/2023



ORDER

WP.No.9839 of 2023

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9
23/6/23
SCW/mr