

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

MONDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 26278 OF 2023

Between:

1. Siraboina Sarangapani, S/o. Siraboina Rageeru, Aged about 65 years, Occ. Business, R/o. H.No.3-14-765, Sundraiah Nagar, Hanuman Nagar, Hanumakonda, Hanumankonda District, Telangana.
2. Shivagari Giriraju, S/o. Shivagari Ramaiah, Aged about 46 years, Occ. Advocate, R/o.H.No.3-21-119, Teruveedhi, Near Alluri Sitharamaraju Statue, Kollapur, Nagarkurnool District, Telangana

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, TS Secretariat, Saifabad, Hyderabad.
2. The Director General of Police, Telangana State, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Warangal Commissionerate, Warangal District, Telangana.
4. The Deputy Commissioner of Police, Warangal, Warangal City Police Commissionerate, Warangal.
5. The Station House Officer, Hanmakonda Police Station, Hanmakonda.

...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 to a writ or writs, order or direction and more particularly one in the nature of writ of Mandamus, by declaring the action of the Respondent no.5 in interfering with the peaceful possession of the petitioners house property bearing Municipal D.No.3-14-765, situated at Sundaraiah Nagar, Hanuman Nagar, Peddapalli Road, Hanmakonda, Warangal District and harassing the petitioners by calling them to the 5th Respondent P.S. through Phone vide Ph.No.9849153084 and asking the petitioners to comply with the demands of the third parties namely Govindula Satyam, Govindula Rama and Chirra Ravi in civil disputes, as illegal, arbitrary, unjust, unlawful and violative of Articles 14, 21 and 300-A of the Constitution of India

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 to not to interfere with the peaceful possession of the petitioners house property bearing Municipal D.No.3-14-765, situated at Sundaraiah Nagar, Hanuman Nagar, Peddapalli Road, Hanmakonda, Warangal District, pending disposal of the above writ petition

Counsel for the Petitioner: SRI. CH. VENKAT RAMAN

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION NO.26278 OF 2023

ORDER:

1. This writ petition is filed seeking the following relief:

".....to issue to a writ or writs order or direction and more particularly one in the nature of writ of Mandamus by declaring the action of the Respondent no.5 in interfering with the peaceful possession of the petitioners house property bearing Municipal D.No.314765 situated at Sundaraiah Nagar, Hanuman Nagar, Peddapalli Road, Hanmakonda, Warangal District and harassing the petitioners by calling them to the 5th Respondent P.S through Phone vide Ph.No.9849153084 and asking the petitioners to comply with the demands of the third parties namely Govindula Satyam, Govindula Rama and Chirra Ravi in civil disputes as illegal, arbitrary, unjust, unlawful and violative of Articles 14, 21 and 300A of the Constitution of India....."

2. When the matter is taken up for hearing, learned counsel for the petitioner has submitted that this writ petition is squarely covered by the order, dated 07.11.2023 passed by this Court in W.P.No.18137 of 2023 and therefore, the present Writ Petition also deserves to be disposed of.

3. Learned counsel appearing for the respondents has not disputed about the said fact.

4. In view of the said submission, the Writ Petition is disposed of in terms of the order passed by this Court in W.P.No.18137 of 2023, dated 07.11.2023. No order as to costs.
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As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

SD/- V. HARI PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, TS Secretariat, Saifabad, T.S., Hyderabad.
2. The Director General of Police, Telangana State, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Warangal Commissionerate, Warangal District, Telangana.
4. The Deputy Commissioner of Police, Warangal, Warangal City Police Commissionerate, Warangal.
5. The Station House Officer, Hanmakonda Police Station, Hanmakonda.
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to SRI. CH. VENKAT RAMAN, Advocate [OPUC]
8. Two CD Copies

(Along with a copy of the order in W.P.NO. 18137 of 2023, dated 07.11.2023 to this order)

B M
GJP

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HIGH COURT

DATED:04/12/2023

ORDER

WP.No.26278 of 2023



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(11) Copies
Em
21/12/23

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.18137 of 2023

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"...to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, by declaring the actions of the Respondents Nos.2 to 8 in interfering with the possession of the petitioners house property bearing Municipal D. No.3-14-765, situated at Sundaraiah Nagar, Hanuman Nagar, Peddapalli X Road, Hanmakonda, Warangal District and harassing the petitioner by calling to the 5th Respondent-P.S vide phone Number 8712685282 by way of regularly coming and asking the Petitioners to comply with the demands of the third parties in civil disputes, as illegal, arbitrary, unlawful and violative of Articles 14, 21 and 300-A of the Constitution of India..."

2. The petitioners claim to be owners and possessors of house property bearing Municipal D.No.3-14-765, situated at Sundaraiah Nagar, Hanuman Nagar, Peddapalli X Roads, Hanumakonda, Warangal District. It is the case of the petitioners that when third parties interfered with their possession and caused inconvenience, they were constrained to institute civil suit vide O.S.No.391 of 2018 on the file of Principal Junior Civil Judge, Warangal. The said suit was decreed vide judgment and decree dated 21.06.2019 granting permanent injunction in favour of the petitioners. It is the case of the petitioners that at the instigation of respondent No.8,

respondent Nos.5 to 7 are interfering with their peaceful possession and forcing them to enter into settlement as per the terms dictated by the respondent No.8. It is further case of the petitioners that even though they have lodged a complaint against the respondent No.8, the police are not registering any case against him but on the subsequent complaint lodged by the respondent No.8, police registered a case against the petitioners, which shows the biased attitude of the police.

3. The learned Assistant Government Pleader for Home has submitted that acting on the complaint submitted by the respondent no.8, a case in Crime No.313/2023 was registered against the petitioners for the offences under Sections 420, 323 and 506 IPC and the same is pending for investigation.

4. In view of the above submissions, this Writ Petition is disposed of directing the respondents-police not to interfere with the civil disputes between the petitioners and the respondent No.8 in any manner, except in accordance with law. If the presence of the petitioners is required for the purpose of investigation, the respondents-police are directed to follow the procedure contemplated under law.

As a sequel, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

Date: 07.11.2023
SCS

C.V. BHASKAR REDDY, J