

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

MONDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 42836 OF 2022

Between:

1. Mohd. Kareem, S/o. Mohd. Shariff, aged about 41 years, Occ: Private Service, R/o. H.No.41-261, NTR Colony, Wanaparthy Town and District, Rep. by his father and GPA Holder Mohd. Shariff S/o. Kareem, aged about 66 years, Occ: Retd. employee, R/o. H.No.41-261, NTR Colony, Wanaparthy Town and District. Under GPA dated 12-03-2022.
2. Dasarla Ramulu, S/o. Veeraiah, aged about 55 years, Occ: Agriculture, R/o. Shapur Village, Pangal Mandal, Wanaparthy District.
3. P. Dharmaiah, S/o. P. Ramulu, aged about 41 years, Occ: Agriculture, R/o. H.No. 9-37/1, Kodair Village and Mandal, Nagarkurnool District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Circle Inspector of Police, Wanaparthy Police Station, Wanaparthy District.
3. The Sub Inspector of Police, Wanaparthy Police Station, Wanaparthy District.
4. N. Venkata Ramana, S/o. Balaswamy, aged about 65 years, Occ: Business, R/o. Sai Krishna Cloth Store, Jama Masjid Road, Wanaparthy Town and District.
5. Bhaskar Reddy, S/o. Late Krishna Reddy, aged about 55 years, Occ: Business, R/o. Balaji Nilayam, Near Ganesh Temple, Market Gunj, Wanaparthy Town and District.
6. Nageshwar, S/o. Venkateshwarlu, aged about 52 years, Occ: Business, R/o. Bhavani Steel Shop, RTC Bus Stand, Wanaparthy Town and District.
7. Dyarapogu Shyam, S/o. Ramulu, aged about 44 years, Occ: Advocate, R/o. H. No. 22-86, Gandhi Nagar, Wanaparthy Town and District.

...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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondent in not taking cognizance of the complaints filed by the petitioners as against the unofficial respondents along with their men for their illegal trespass into the plots of the petitioners i.e., plot No. 1, 2 of the 1st petitioner, plot No. 5 of the 2nd petitioner and plot No. 3 of the 3rd petitioner each admeasuring 133.33 Sq. Yards at Srinivasapuram of Wanaparthy Town and District in violation of the injunction order passed by the Civil Court in I.A. No. 417/2022 in O.S. No. 233/2022 of the 1st petitioner, I.A. No. 169/2022 in O.S. No. 92/2022 of the 2nd petitioner and I.A. No.198/2022 in O.S. No. 103/2022 of the 3rd petitioner though the unofficial respondents have been continuously trespassing into the above plots of the petitioners, as illegal, unlawful, contrary to law and consequently direct the 2nd

and 3rd respondents police to take cognizance of the complaints of the petitioners for the offence of criminal trespass as against the unofficial respondents and their men and give protection to their respective plots by implementing the injunction order passed by the Hon'ble civil court.

IA 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 grant interim order directing the 2nd and 3rd respondents to take cognizance of the complaints of the petitioners filed against the unofficial respondents and their men for their illegal trespass into the plots of the petitioners vide Plot No. 1 and 2 of the 1st petitioner, plot No. 5 of the 2nd petitioner and plot No. 3 of the 3rd petitioner respectively each plot admeasuring 133.33 Sq. yards in Sy. No. 192 at Srinivasapuram of Wanaparthy Town and District, by duly implementing the injunction order passed by the civil court in their favour and as against the unofficial respondents, pending disposal of main Writ Petition.

Counsel for the Petitioners: SRI M.DAMODAR REDDY
Counsel for the Respondent Nos.1 TO 3: AGP FOR HOME
Counsel for the Respondent No.4: SRI N.BHUJANGA RAO
Counsel for the Respondent Nos.5 TO 7: --

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.42836 OF 2022

ORDER:

This writ petition is filed aggrieved by the action of respondent Nos.2 and 3 in not taking cognizance of the complaints of the petitioners filed against unofficial respondents for violation of injunction orders passed in I.A.No.417 of 2022 in O.S.No.233 of 2022, I.A.No.169 of 2022 in O.S.No.92 of 2022 and I.A.No.198 of 2022 in O.S.No.103 of 2022 pending on the file of the Principal Junior Civil Judge at Wanaparthy.

2. Heard and perused the material available on record.
3. Learned Assistant Government Pleader for Home, having received the written instructions, submitted that GD entry was made on receipt of complaint from the petitioners. During enquiry, it was found that the matter is purely civil in nature, thus, complaint was closed. Copies of the notice dated 29.10.2022 were served on the petitioners. So also the true copy of the said notice, intimating the closure of the complaint of the petitioners, is served on the learned counsel for the petitioners by the learned Assistant Government Pleader for Home.
4. In view of the above, the writ petition is closed as no further orders are required to be passed. If the petitioners are aggrieved by

the closure report, they are at liberty to invoke appropriate legal remedy.

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

//TRUE COPY//

SD/- T. SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To

1. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
2. One CC to SRI M.DAMODAR REDDY, Advocate [OPUC]
3. One CC to SRI N.BHUJANGA RAO, Advocate [OPUC]
4. Two CD Copies

PSK.
GJP

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HIGH COURT

DATED:23/01/2023

ORDER

WP.No.42836 of 2022



CLOSING THE WRIT PETITION
WITHOUT COSTS.

(7) Copies

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13/2/23