

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 34985 OF 2023

Between:

Khaja Mahmood Hussain Ashraf, son of Khaja Yousuf Hussain, Aged 49 years, Government Contractor, first floor, 10-2-317/44/1, Vijayanagar Colony, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, rep. by Principal Secretary, (Home), Secretariat, Hyderabad.
2. The Inspector of Police, P.S. Humayun Nagar, Hyderabad.
3. The Commissioner of Police, Hyderabad City Police, Banjara Hills, Road No. 12, HYDERABAD.
4. Mohammed Moinuddin Khan, son of Late Mohammed Hasan Khan, aged about 52 years, Business r/o H.No.10-2-317/44/1, Ground floor, Vijayanagar Colony, Hyderabad.

...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 appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the Respondents No. 2 and 3 on the representation dated 14-12-2023 for not taking action against the Respondent Nos. 4 and his associates as highly illegal and arbitrary.

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 Nos. 2 and 3 to provide interim protection to the petitioner and his family members from the respondents No.4 and his associates, pending disposal of the main Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI AHMED KHAN

Counsel for the Respondent No.1 to 3: AGP FOR HOME

Counsel for the Respondent No.4: NONE APPEARED

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.34985 of 2023

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent Nos.2 and 3 in not considering the representation, dated 14.12.2023, submitted by the petitioner for taking action against respondent No.4 and his associates, as arbitrary and illegal.

2. Heard learned counsel for the petitioner, learned Assistant Government for Home appearing for respondent Nos.1 to 3 and perused the record.

3. Respondent No.4 is the owner of premises bearing House No.10-2-317/44/1, 1st floor, situated at Vijayanagar Colony, Hyderabad, which was let out to the petitioner on rent. According to learned counsel for the petitioner, as respondent No.4 is interfering with the possession of the petitioner over the subject property and making efforts to evict the petitioner from the subject property contrary to the provisions of the Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960 (for short, 'the Act, 1960'), the petitioner was constrained to institute a suit in O.S.No.2702 of 2015 on the file of learned IX Junior Civil Judge, City Civil Court, Hyderabad, and the learned

Junior Civil Judge *vide* judgment and decree, dated 31.03.2016, decreed the said suit restraining the respondent No.4 herein, his henchmen, relatives, servant etc., from interfering with the peaceful possession and enjoyment of petitioner herein over the subject property. It is further case of the petitioner that the petitioner also filed R.C.No.12 of 2016 on the file of learned II Additional Rent Controller, Hyderabad, under section 8 (5) of the Act, 1960 to permit him to deposit the rents in respect of the subject property for the period between November, 2015 and December, 2015 @ Rs.3,000/- per month, amounting to Rs.6000/-, and future rent @ Rs.3000/- per month in the interest of justice. The learned II Additional Rent Controller, Hyderabad, *vide* order, dated 25.11.2016, allowed the said application permitting the petitioner to deposit the arrears of rent @ Rs.3,000/- per month to respondent No.4 herein from November, 2015 to October 2016 within one month from the date of the said order and further, directed to deposit the future rent @ Rs.3,000/- per month to respondent No.4 herein on or before 10th of every succeeding month to the credit of RC account.

4. Learned counsel for the petitioner would submit that respondent No.4 having failed to evict the petitioner by

following due process of law, has now engaged the services of anti social elements and frequently interfering with the possession of the petitioner. Stating said facts, the petitioner lodged a complaint, dated 14.12.2023 on the file of respondent No.2 and though the contents of the said complaint revealed cognizable offences, the respondents-police are not acting on the said complaint.

5. In the said circumstances, this Court, without expressing any opinion on merits with regard to *inter se* disputes between the petitioner and respondent No.4, deems it appropriate to dispose of the Writ Petition directing respondent No.2 to examine the complaint submitted by the petitioner, dated 14.12.2023 and take appropriate action, strictly in accordance with law.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Inspector of Police, P.S. Humayun Nagar, Hyderabad.
2. One CC to Sri Ahmed Khan, Advocate [OPUC]
3. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

T J
GJP

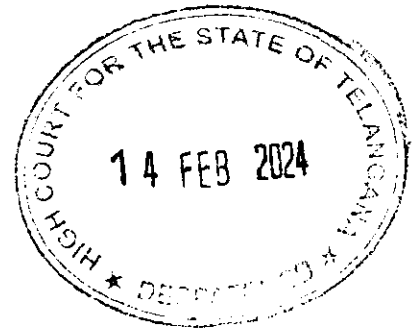


HIGH COURT

DATED:29/12/2023

ORDER

WP.No.34985 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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per
18/01/2024