

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

FRIDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 16089 OF 2023

Between:

Smt. Vasam Thulasamma, W/o. Md. Yousuf Khan, Aged. 58 years, Caste. Schedule Tribe (Koya), Occ. Social Worker, R/o.H.No.12-4-136, Ramnagar Street, Miryalguda Road, Nalgonda District.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary to Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Hyderabad, T.S.
3. The Superintendent of Police, Nalgonda, Nalgonda District, T. S.
4. The Station House Officer, 2 Town Police Station Nalgonda, Nalgonda District, T.S.
5. Munawwar, S/o.Late Quddus, Aged about 39 years, Occ. land dealing R/o. Nalgonda Town, Nalgonda District.
6. Bakka Sujatha, W/o. Late Anjaiah, aged 45 years, Occ. Real Estate business, R/o.H.No.6-2-33/2, Opp. Water tank, Housing Board Colony, Nalgonda Town Nalgonda 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 a writ, order or direction, more particularly a writ of Mandamus declaring the actions of the respondents in not registering any Crime against the Respondents No.4, 5, 6 and gang members by the 3rd respondent and not initiating any action on complaint of the petitioner dated 21.05.2022 are illegal, arbitrary, discriminatory, ultra vices, null and void, against the statute, abuse of powers conferred under the law, abuse of process of law and in violation of the

fundamental and constitutional rights of the petitioner, in the interest of justice and equity.

I.A.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 respondents No.3 to register a Crime (FIR) against respondents No.4, 5 and 6 for attacking the petitioner's house and harassing, threatening the member of schedule tribe community woman and interfering with the peaceful possession and enjoyment of the petitioner's House bearing Municipal No. 12-4-136, old 4-136 at Gollaguda Village, Ram Nagar of Nalgonda Municipality, till the disposal of the writ petition.

Counsel for the Petitioner : SRI MOHAMMED RAHAIL AHMED

Counsel for the Respondent Nos.1 to 4 : AGP FOR HOME

Counsel for the Respondent Nos.5 & 6 : --

The Court made the following ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.16089 of 2023

ORDER:

This writ petition has been filed declaring the action of respondents-police in not registering the crime against respondent Nos.5 and 6 on the complaint lodged by the petitioner dated 21.05.2022 as illegal, arbitrary and in violation of the fundamental and constitutional rights of the petitioner.

2. The case of the petitioner is that he has lodged a complaint on 21.05.2022 on the file of respondent No.2 against respondent Nos.5 and 6, who are alleged to have been not only interfering with his peaceful possession and enjoyment of the property but also threatening him with dire consequences.

3. According to the learned counsel for the petitioner, the complaint lodged by the petitioner would reveal the commission of cognizable offences by respondent Nos.5 and 6 and even after receipt of the complaint, respondents-police are neither conducting any investigation in

accordance with Section 154 of Cr.P.C nor following the guidelines issued by the Hon'ble Supreme Court in case of ***Lalitha Kumari vs. State of Uttar Pradesh***¹.

4. Learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4 on instructions would submit that on receipt of the complaint dated 21.05.2022, they have made G.D. Entry and after conducting investigation, it was revealed that there are civil disputes between the parties in respect of the property claimed by the petitioner, as such, they have closed the said complaint as civil in nature.

5. At this stage, learned counsel for the petitioner has submitted that so far the petitioner has not received any closure report and if the copy of the closure report is furnished, he will take appropriate steps by approaching the competent forum.

6. In view of the said submissions, this Court deems it appropriate to dispose of the writ petition directing

¹ (2014) 2 SCC 1

respondent No.4 to furnish a copy of the closure report to the petitioner to enable him to take appropriate steps as available in accordance with law.

7. With the above observations, the Writ Petition is disposed of. No costs.

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

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary to Home Department, Secretariat, State of Telangana at Hyderabad.
2. The Director General of Police, Hyderabad, T.S.
3. The Superintendent of Police, Nalgonda, Nalgonda District, T.S.
4. The Station House Officer, 2 Town Police Station Nalgonda, Nalgonda District, T.S.
5. Two CCs to GP For Home, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri Mohammed Rahail Ahmed, Advocate [OPUC]
7. Two CD Copies

SA
GJP

HIGH COURT

DATED:02/02/2024



ORDER

WP.No.16089 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS.**

(10) VW
5/3/24