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

THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 21631 OF 2023

Between:

Shaik Shareef Uddin, S/o. Shaik Imam Uddin, Aged about 41 years Occ. Business, R.o H-No:52/920, Asbestos Colony, Papi Reddy Nagar, Kukatpally, Hyderabad,Telangana-500037.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Department of Home, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Director General of Police, Lakdikapul Road, Red Hills, Nampally, hyderabd,Telangana-500004
3. The Commissioner of Police, Old Mumbai Hwy, Next to Care Hospital 2-48, Sri Shyam Nagar, Telecom Nagar Extension, Gachibowli, Cyberabad, Telangana 500032
4. The Assistant Commissioner of Police, Balanagar, Secunderabad Telangana -500048.
5. The Station House Officer, Jagadgirigutta, Hyderabad Telangana -501401.
6. Asbestos Hills Colony Welfare Association, Vide Reg. No. 37/37/92, Rep by. Abdul Khayyum General Secretary, R/o. Welfare Office, Asbestos Colony, Hyderabad - 72
7. A. Nageswar Rao, S/o Gopala Krishna Age.52yrs, Occ. President of AHCWA Vide Registration no. 37/37/92 R/o.4-42-639,near Teja High School Asbestos Colony, Kukatpally, Hyderabad-72

...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 writ or Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions declaring the action of the 5th Respondent/SHO P.S Jagdgirigutta, in calling on 08-08-2023 at about 8.00 PM and harassing the

Petitioner to the police station at the instance of 5th Respondent without there being any crime registered against the Petitioner and illegally detaining as illegal, arbitrary, violative of article 21 of constitution of India and against the Principles of natural justice and consequently to direct the respondents to not to call the Petitioner to the P.S Jagdgirigutta at the instance of Respondent no. 6 and 7.

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 to not to call the petitioners to the P.S Jagdigirigutta, Kukatpally at the instance of Respondent no. 6 and 7 without any crime registered against the Petitioner, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI A SAMIR KUMAR REDDY

Counsel for the Respondent No.1 to 5: GP FOR HOME

Counsel for the Respondent No.6 and 5: NONE APPEARED

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.21631 of 2023

ORDER:

This writ petition is filed with the following relief:-

"...to issue Writ of Mandamus or any other appropriate Writ, Order or Orders Direction or Directions declaring the action of the 5th Respondent/SHO P.S. Jagadgirigutta in calling on 08.08.2023 at about 8:00 PM and harassing the Petitioner to the police station at the instance of 5th Respondent without there being any crime registered against the Petitioner and illegally detaining as illegal, arbitrary, violative of Article 21 of Constitution of India and against the Principles of Natural Justice and consequently to direct the respondents to not to call the Petitioner to the P.S. Jagadgirigutta at the instance of Respondent Nos.6 and 7 and pass..."

2. It is the case of the petitioner that respondent No.5, without following the due procedure, is frequently summoning him to the police station at the instance of respondent Nos.6 and 7 and confining him for hours together which amounts to violation of his rights guaranteed under the Constitution of India. It is further the case of the petitioner that respondent No.7 has

occupied the road and constructed huge building without obtaining necessary permission from the municipal corporation, therefore, the petitioner made number of complaints/representations requesting the GHMC authorities to remove the illegal construction carried on by respondent No.7. It is the further case of the petitioner that when the GHMC authorities did not take any action he was constrained to issue legal notice, dated 27.07.2023 requesting the GHMC and HUDA to take appropriate action in accordance with the layout approved by the HUDA for maintaining the roads. When the respondents have not taken any action, the petitioner was constrained to file a complaint to take appropriate action against the encroachers i.e., respondent No.6 and 7. The grievance of the petitioner is that respondent No.5 instead of taking action on the complaint submitted by him, is frequently summoning him to the police station, confining him for hours together and forcing him to withdraw the complaint filed against respondent Nos.6 and 7.

3. The learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5 has submitted that

acting on the complaint lodged by the petitioner, an entry was made in the General Diary, and the petitioner was summoned to the police station for the purpose of investigation and the police has not violated the petitioner's civil rights in any manner.

4. In view of the above submissions, this Court, deems it appropriate to dispose of the writ petition directing respondent No.5 not to interfere with the civil rights of the petitioner in any manner and if the presence of the petitioner is required for the purpose of investigation in any case, respondent No.5 is directed to follow the procedure as contemplated under law.

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

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

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Jagadgirigutta, Hyderabad Telangana -501401.
2. One CC to Sri A. Samir Kumar Reddy, 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:04/01/2024



ORDER

WP.No.21631 of 2023

DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

(3) Copies MPL 3/2
GPR