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

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION NOs: 29438 & 15846 OF 2014

W.P.No.29438 OF 2014

Between:

Mohd.Yaseen, S/o. Late Mohd. Sharifuddin, Age 32 years, Occupation Agriculture, R/o. H.No.1-73, Porandla Village, Maheshwaram Mandal, Rangareddy District.

...PETITIONER

AND

1. The State of Talangana, Rep. by its Principal Secretary, Home Dept., Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad, Rangareddy District
3. The Station House Officer, Maheshwaram Police Station, Cyberabad, Rangareddy District.
4. Subhash Kapoor, S/o. Late Bankat Prasad, Occupation Business, aged about 54 years, Ftioo.14-11-1068, Beerbanbagh, Shainayath Gunj, 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 order or direction, more particularly in the nature of Writ of Mandamus declare the inaction of the 2nd respondent not taking any disciplinary action against the respondent No.3 on the complaints dt.5-09-2014 of the petitioner is illegal, arbitrary and consequent direction direct the respondent No.3 not to interfere in civil matter of the petitioner land an extent of Ac.42-28 guntas in survey No.21 and 22 situated at Porandla-Village, Maheshwaram-Mandal, R.R.District.

I.A. NO: 2 OF 2014(WPMP. NO: 36793 OF 2014)

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.3 and his sub-ordinates not to interfere in civil matter of the petitioner land an extent of Ac.42-28 guntas in survey No.21 and 22 situated at Porandla Village, Maheshwaram:Mandal, R.R.District pending writ petition.

I.A. NO: 1 OF 2014(WVMP. NO: 2882 OF 2014)

Between:

Subhash Kapoor, S/o. Late Bankat Prasad, Occupation Business, aged about 54 years, Ftioo.14-11-1068, Beerbanbagh, Shainayath Gunj, Hyderabad.

...VACATE STAY PETITIONER/R4

AND

1. Mohd.Yaseen, S/o. Late Mohd. Sharifuddin, Age 32 years, Occupation Agriculture, R/o. H.No.1-73, Porandla Village, Maheshwaram Mandal, Rangareddy District.

... RESPONDENT WRIT PETITIONER

1. The State of Talangana, Rep. by its Principal Secretary, Home Dept., Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad, Rangareddy District
3. The Station House Officer, Maheshwaram Police Station, Cyberabad, Rangareddy District.

...RESPONDENTS/RESPONDENTS

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 vacate the interim ORDER passed in WP No. 29438 of 2014 dated 23-09-2014.

Counsel for the Petitioner : SRI GANDYADAPU RAJESHAM

Counsel for the Respondents No.1to3 : SRI B.SRINIVAS, ASST.GP FOR HOME

W.P.No.15846 OF 2014

Between:

1. Smt.Vazeer Bee, (died) per LRs 2&3

2. Mohd. Shabuddin S/o. late Mohd. Sharifuddin, Age 35 years, Occupation Agriculture, R/o. H.No.1-73, Porandla Village, Maheshwaram Mandal, Rangareddy District.
3. Mohd. Yaseen S/o. late Mohd. Sharifuddin, Age 33 years, Occupation Agriculture, R/o. H.No.1-73, Porandla Village, Maheshwaram Mandal, Rangareddy District.

Petitioners 2and3 are brought on record as LRs of deceased 1st petitioner as per C.O. dt. 27-12-14 in WPMP 32254 of 14.

...PETITIONER

AND

1. The State of Talangana, Rep. by its Principal Secretary, Home Affairs, Secretariat, Hyderabad.
2. The Station House Officer, Maheshwaram Police Station, Cyberabad, Rangareddy District.
3. Subhash Kapoor, S/o. Late Bankat Prasad, Occupation Business, aged about 54 years, R/oo.14-11-1068, Beerbanbagh, Shainayath Gunj, 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 order or direction, more particularly in the nature of Writ of Mandamus declare the action of the 2nd respondent interfering into civil matter of the petitioner land an extent of Ac.42-28 guntas in survey No.21 and 22 situated at Porandla-Village, Maheshwaram-Mandal, R.R.District and the same is illegal, arbitrary and against principles of natural justice and violation of fundamental rights and declare the same without jurisdiction and consequent direction direct the respondent No.2 not to interfere in civil matter of the petitioner land an extent of Ac.42-28 guntas in survey No.21 and 22 situated at Porandla-Village, Maheshwaram-Mandal, R.R.District.

I.A. NO: 2 OF 2014(WPMP. NO: 21354 OF 2014)

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 receive the additional material paper as per list of material paper.

I.A. NO: 1 OF 2014(WPMP. NO: 19626 OF 2014)

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.2 not to interfere in civil matter of the petitioner land an extent of Ac.42-28 guntas in survey No.21 and 22 situated at Porandla:Village, Maheshwaram:Mandal, R.R.District pending writ petition in the interest of justice.

Counsel for the Petitioner : SRI GANDYADAPU RAJESHAM

Counsel for the Respondents No.1&2 : GP FOR HOME

The Court made the following: COMMON ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION No.29438 of 2014

DATE: 05.12.2025

Between:

Mohd. Yaseen ...Petitioner

AND

The State of Telangana
Rep by its Principal Secretary, Home Affairs,
Secretariat, Hyderabad & three others

...Respondents

WRIT PETITION No.15846 of 2014

Between:

Smt. Vazeer Bee and two others ...Petitioners

AND

The State of Telangana
Rep by its Principal Secretary, Home Affairs,
Secretariat, Hyderabad & two others

...Respondents

COMMON ORDER

The Writ Petition No. 15846 of 2014 is filed seeking the following relief:

> "...to issue an order or direction, more particularly in the nature of Writ of Mandamus declare the action of the 2nd respondent interfering into civil matter of the petitioner land

an extent of Ac.42-28 guntas in survey Nos 21 and 22 situated at Porandla Village, Maheshwara n Mandal, R.R.District and the same is illegal, arbitrary nd against principles of natural justice and violation of ndamental rights and declare the same without juris liction and consequent direction direct the respondent o.2 not to interfere in civil matter of the petitioner land n extent of Ac.42-28 guntas in survey Nos.21 and 22 situated at Porandla Village, Maheshwaram Mandal, R.R.Dis rict..."

2. The Writ Petition No. 29438 of 2014 is iled seeking the following relief:

"... to issue an order or direction, more p rticularly in the nature of Writ of Mandamus declare the in ction of the 2nd respondent not taking any disciplinary a tion against the respondent No.3 on the complaints dated 0 5.09.2014 of the petitioner is illegal, arbitrary and conseq nt direction direct the respondent No.3 not to interfere in c vil matter of the petitioner land an extent of Ac.42-28 gun as in survey Nos.21 and 22 situated at Porandla-Village, M heshwaram-Mandal, R.R.District and pass..."

3. Heard Sri Gandyadapu Rajesham, learne l counsel for the petitioner and Sri Sridhar Bhuvanagiri, le arned Assistant Government Pleader for Home appearing for r espondent Nos.1 to 3 in W.P.No.29438 of 2014 and appearin for respondent Nos.1 and 2 in W.P.No.15846 of 2014.

4. This Court *vide* order dated 24.06.2014 n W.P.No.15846 of 2014, passed a detailed order in W.P.M.P.N o.19626 of 2014

(I.A.No.1 of 2014), restraining respondent No.2 (SHO) in interfering with the civil disputes between the petitioner and the unofficial respondent. The said interim order is extracted here under:-

"The petitioner, a 63-year-old agriculturist, claims right, title and interest in the aforementioned land, on the strength and basis of a gift deed said to have been executed in her favour on 27.10.1978 by one Sri Mohd. Sharfuddin, S/o Sri Shahabuddin. It is not in dispute that one Sri Khaja Moinuddin was recorded as the pattadar over the land situated in Survey Nos. 21 and 22 of Porandla Village as per the revenue records, such as Sethwar, Wasool Baqui of Porandla Village for the year 1357 Fasli. As per the Khasra Pahani of 1954-55, the land is recorded as patta land in the name of Sri Khaja Moinuddin and the names of Sri Nagula Anthaiah and others are recorded in Column No. 11 as occupants and cultivators in the capacity of protected tenants. Sri Mohd. Sharfuddin, who has gifted the property to the petitioner, claimed to be the brother of Sri Khaja Moinuddin. As Sri Khaja Moinuddin has no children, Sri Mohd. Sharfuddin claims to have succeeded to the estate of Sri Khaja Moinuddin. One Sri Ahmed Shareef, S/o Sri Modh. Badsha Shareef, who does not normally reside at resident of Porandla Village but is Hyderabad City, parallelly claimed as a legal heir of the original pattadar Sri Khaja Moinuddin and secured a succession certificate from the Tahsildar, Ibrahimpatnam on 17.04.1968, but however, he was not in possession and enjoyment over the said land but the land was in possession of the protected tenants and their legal heirs. It is also revealed that Sri Ahmed Shareef did not return to India after he left for London during 1984, but the GPA holder of Sri Ahmed Shareef, namely Sri Mohd. Mahboob Shareef @ Amjad has executed two registered sale deeds during 1984 alie- ng the land in Survey

Nos. 21 and 22 in favour of the 3rd respondent and his brother. Therefore, there is any amount of controversy to the right, title and interest of the respective parties with regard to the land in question. One has also to ascertain as to whether the GPA holder of Sri Mohd. Ahmed Shareef, namely Sri Mohd. Mahboob Shareef has executed the two sale deeds prior to the death of Sri Ahmed Shareef at London or thereafter. The legal principle in this regard is fairly very well-settled. A GPA holder will have the authority to deal with the estate of the principal so long as the principal is alive. With the death of the principal, his constituted attorney power to deal with the estate also ceases. Therefore the first and the fundamental question that is required to be addressed is when did Sri Ahmed Shareef died in London and as to whether the two registered sale deeds, which have been executed by his GPA holder, were prior to his death or afterwards. If the two registered sale deeds were executed by the GPA holder after the death of the principal, namely Sri Ahmed Shareef, they will be of no avail.

Per contra, the petitioner is claiming to be in possession of the land in question from 1991 onwards and cultivating the same. Therefore, the balance of convenience certainly lies, as at present advised, in favour of the writ petitioner, but not in favour of the 3rd respondent or his brother. The 3rd respondent or his brother cannot approach the police at Ibrahimpatnam or Maheshwaram or Porandla and start causing any amount of disturbance to the possession of the petitioner and her right to cultivate the lands in question if she is in possession thereof.

Therefore, the 2nd respondent Station House Officer and his men are restrained from interfering in any manner with the civil disputes between the petitioner on the one hand and the 3rd respondent and his brother on the other."

5. During the pendency of the said writ petition, the original petitioner, Smt. Vazeer Bee, passed away, and her legal heirs were brought on record as petitioner Nos. 2 and 3.

6. However, it is submitted by the learned counsel for the petitioners that despite the said detailed interim order dated 24.06.2014 passed in W.P.M.P.No.19626 of 2014, the police were not giving effect to the said interim order on the ground that the said Writ Petition got abated by virtue of the death of said Vazeer Bee. Further, though it was clarified that upon the death of the said Vazeer Bee, the interim order would continue to remain operative, the police were not ready to accept the said submission and thereby refused to implement the same.

7. It is stated by the learned counsel for the petitioners that under the aforesaid circumstances, the petitioners were constrained to file another writ petition *vide* W.P.No.29438 of 2014 and this Court once again passed interim orders restraining the police from interfering into the civil disputes.

8. Counter affidavits were filed by the Station House Officer (SHO) in both the writ petitions, making similar averments particularly disputing the allegation made by the petitioners that the police interfered in the civil disputes. Further, the

SHO also specifically stated that upon the compl aint lodged by the unofficial respondent before the Mahes varam Police Station, Rachakonda Commissionerate, 4 crimir al cases were registered against the sole petitioner in W.P.No.2 9438 of 2014. Ultimately, out of the said 4 cases registered by the police against him, 3 cases i.e., C.C.Nos.467 of 2015, 3 70 and 541 of 2016, ended in acquittal on 22.02.2019, 04 11.2024 and 17.03.2023 respectively. However, in one case i. :., C.C.No.487 of 2015, the charges framed against the petitioner were proved and he was found guilty thereby imposing fine wi h Rs.1,000/-. The learned counsel for the petitioners has sta ed across the bar that upon filing the appeal against the judg nent made in connection with C.C.No.487 of 2015, the same v as allowed by the Appellate Court.

9. The learned counsel for the petitioner cate orically stated that all the cases in which the sole petitioner ir W.P.No.29438 of 2014 was implicated were in respect of the ver same subject matter, which is essentially "Civil in Nature".

10. In paragraph No.10 of the counter iled by the Police/respondent No.3 in W.P.No.29438 o 2014, it is categorically stated that mere registration of the bove criminal cases on the complaint made by unofficial re spondent and

proceeding with the investigation therein, does not amount to interference by police in civil disputes, as alleged by the petitioners. It is further stated that the writ petitions were filed with an intention to escape from the offences and to divert the attention of the investigating agency in proceeding with the investigation of the said cases.

11. It is settled law that the police authorities cannot interfere in purely civil disputes and the limited grievance raised by the petitioners in both the writ petitions is to the effect that the police were interfering in civil disputes.

12. Having regard to the aforesaid factual background and in the light of the specific stand taken by the police authorities in the counter affidavit, this Court deems it necessary to reiterate and place a clear restriction on the exercise of police powers in matters which are essentially civil in nature. The police authorities shall confine themselves strictly to the performance of their statutory duties and shall not summon, thereafter, coerce or otherwise interfere with the petitioners in relation to disputes of a purely civil character, unless the facts disclosed independently constitute a cognizable offence warranting action in accordance with law. Any action in deviation thereof shall not be countenanced.

13. Accordingly, the Writ Petitions are disposed of in terms of the interim order dated 24.06.2014 passed in W.P.No.15846 of 2014 and interim order dated 26.09.2014 passed in W.P.No.29438 of 2014. There shall be no order as to costs.

Pending Miscellaneous Applications, if any, shall stand closed.

Sd/-A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

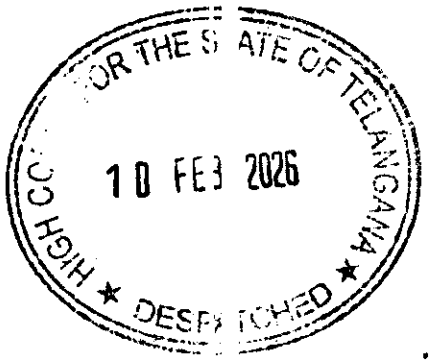
1. The Principal Secretary, State of Talangana, Home Dept Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad, Rangareddy District
3. The Station House Officer, Maheshwaram Police Station Cyberabad, Rangareddy District.
4. One CC to SRI GANDYADAPU RAJESHAM, Advocate. [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
6. One CC to SRI SURESH SHIV SAGAR, Advocate. [OPUC]
7. Two CD Copies.

BSK

HIGH COURT

VRKR,J

DATED:05/12/2025



COMMON ORDER

WP.No.29438 & 15846 of 2014

DISPOSING OF THE WRIT PETITIONS WITHOUT COSTS

10/11T
9/2/26