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

TUESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 39129 OF 2018

Between:

M/s Satish Mutually Aided Co-op Housing Society Limited, Rep by its Authorized Representative, I.S.N Vionda Reddy S/o. I. Sriramulu Reddy, Aged about 64 years, Occ- Retd. Employee, office at Satish Nagar, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District-43

...PETITIONER

AND

1. State of Telangana., represented by its Prl. Secretary, Home Department, Secretariat, Secretariat Building, Hyderabad
2. The Director General of Police, State of Telangana, Office at Lakdikapul, Hyderabad-500004
3. The Deputy Commissioner of Police, Balanagar Zone, Petbasheerabad Caton Residential Township, Bolarum, Secunderabad, Telangana 500015
4. The Assistant Commissioner of Police, Petbasheerabad Division, Office at Caton Residential Township, Bolarum, Secunderabad, Telangana 500015
5. Station House Officer., Dundigal Police Station Office at Gandi Maisamma, Hyderabad, Telangana 500043.
6. Chintala Yadagiri, S/o. Mallaiah, aged about 58 Years, Occupation Business, R/o. H.No.6-229, Vaninagar, Chinthal, Jeedimetla, 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus a)To direct the respondents 1 to 5 to forthwith, register an FIR as against the 6th respondent under the relevant Penal Laws in force based on the complaint made by the petitioner society dt.27/06/2018 and 11/01/2018, pursuant to the guidelines of the Supreme Court Lalitha Kumari vs State of Uttar Pradesh,

Reported in (2014) 2 SCC 1 b)To direct the respondents 1 to 5 to invoke the AP Police Standing Orders, as adapted by State of Telangana, standing order Nos. 601, 733 and 742 and open a History Sheet /Rowdy Sheet against the 6th respondent and to put him under surveillance, for his illegal criminal record c)To declare the action of the respondents 4 and 5 in making efforts to induct the 6th respondent into actual physical possession of the writ petitioners society members plots, situated in Sy Nos. 242, 247, 250, 251, 252 and 268 in Bowrampet Village, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District, as if it is an agricultural land to be illegal, arbitrary and to be beyond the scope and functions of their duties. d)and, to PASS

IA NO: 1 OF 2018

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 1 to 5 not to take any steps to induct or deliver the actual physical possession to the 6th respondent, into the writ petitioner's society members plots, situated in Sy Nos. 242, 247, 250, 251, 252 and 268 in Bowrampet Village, Dundigal Gandimaisamma Mandal, Medchal-Malkajgiri District, as the same will be beyond the scope and duties and functions of the respondent police, pending disposal of the main WP in the interest of justice.

Counsel for the Petitioner: MS. G. HARIPRIAYA, REPRESENTING SRI UNNAM MURALIDHAR RAO

Counsel for the Respondent Nos.1 to 5: SRI D. PRADEEP AGP FOR HOME

Counsel for the Respondent No.6: SRI S.V. RAMANA

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No.39129 OF 2018

DATE :16.12.2025

Between:

M/s Satish Mutually Aided Co-Op Housing Society Limited

...Petitioners

AND

The State of Telangana & 5 Others

...Respondents

ORDER:

This Writ Petition is filed with the following relief:

"...to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus aTo direct the respondents 1 to 5 to forthwith register an FIR as against the 6th respondent under the relevant Penal Laws in force based on the complaint made by the petitioner society dated 27.06.2018 and 11/01/2018 pursuant to the guidelines of the Supreme Court Lalitha Kumari vs State of Uttar Pradesh Reported in 2014 2 SCC 1 bTo direct the respondents 1 to 5 to invoke the AP Police Standing Orders as adapted by State of Telangana standing order Nos 601 733 and 742 and open a History Sheet /Rowdy Sheet against the 6th respondent and to put him under surveillance for his illegal criminal record cTo declare the action of the respondents 4 and 5 in making efforts to induct the 6th respondent into actual physical possession of the writ petitioners society members plots situated in Sy Nos 242 247 250 251 252 and 268 in Bowrampet Village DundigalGandimaisamma Mandal MedchalMalkajgiri District as if it is an agricultural land to be illegal arbitrary and to be beyond the scope and functions of their duties and to pass....."

2. Heard Ms. G.Haripriaya, learned counsel representing Mr. Unnam Muralidhar Rao, learned counsel, appearing for the

petitioner; Mr. D.Pradeep, learned Assistant Government Pleader for Home, appearing for respondent Nos. 1 to 5 and Mr. S.V. Ramana, learned counsel, appearing for respondent No. 6.

3. Learned counsel for the petitioner submits that, as the respondent police authorities failed to act upon the petitioner's representations dated 27.06.2018 and 11.01.2018 seeking registration of a crime against respondent No.6, as well as for issuance of directions to open and continue a rowdy/suspect sheet against him to place him under police surveillance, and further to restrain respondent Nos.4 and 5 from allegedly making attempts to induct respondent No.6 into physical possession of the disputed property, the present writ petition has been filed seeking appropriate directions to the respondent police authorities.

4. Learned Assistant Government Pleader for Home submits that the allegations that the petitioner's representations were not considered are wholly baseless. It is submitted that the representations were duly examined, and a reasoned communication rejecting the request to open a rowdy sheet against respondent No.6 was sent to the petitioner through Registered Post. It is further contended that the allegation that respondent Nos.4 and 5 are making efforts to induct respondent

No.6 into possession is equally unfounded. The respondent police authorities are conducting themselves strictly in accordance with law and within the bounds of their jurisdiction. Hence, it is prayed that the writ petition, being devoid of merit, be dismissed.

5. Learned counsel appearing for respondent No.6 submits that the allegations made against the unofficial respondents are without any factual or legal basis. It is pointed out that civil and criminal proceedings are already pending between the petitioner and respondent No.6. Referring to the counter affidavit of respondent No.5, it is reiterated that the petitioner's representations were duly considered and rejected by the competent police authorities. Therefore, if the petitioner was aggrieved by such rejection, he ought to have availed the appropriate legal remedies available under law, rather than invoking the jurisdiction under Article 226 of the Constitution. It is further contended that a second appeal arising out of the civil dispute between the parties is presently pending before the competent civil court, wherein an interim order restraining the petitioner from interfering with the possession of the property is subsisting. In such circumstances, the prayer for issuance of directions to the police is not only improper but would also amount to interference with pending judicial proceedings. Hence, the allegations that respondent Nos.4 and 5 are attempting to

induct respondent No.6 into possession are factually and legally untenable. Accordingly, dismissal of the writ petition is sought.

6. I have perused the material placed on record.

7. The petitioner's grievance regarding non-registration of a crime and non-opening of a rowdy/suspect sheet against respondent No.6 has been addressed by respondent No.5 in his counter affidavit, wherein it is specifically stated that the petitioner's representations were duly considered and rejected, and such rejection was communicated to the petitioner through Registered Post. Therefore, it is evident that the respondent police authorities have exercised their jurisdictional discretion and arrived at a reasoned conclusion not to register a case or open a rowdy/suspect sheet against respondent No.6. Consequently, the contention that the police authorities failed to consider the petitioner's representations is unfounded.

8. It is now well settled that when a complaint is made regarding non-registration of an FIR, the aggrieved person has a specific statutory remedy under the Code of Criminal Procedure, 1973 ("Cr.P.C."), now replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"). The Hon'ble Supreme Court in *Sakiri Vasu v. State of U.P. & Others* (AIR 2008 SC 907) and *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387) has

categorically held that a writ petition under Article 226 of the Constitution of India seeking a direction for registration of an FIR is not maintainable without first exhausting these efficacious alternative remedies under the Cr.P.C./BNSS. In the circumstances, liberty is reserved to the petitioner to avail appropriate remedies as may be available in law before the competent Magistrate or appropriate forum, if any cause of action still survives.

9. Further, as regards the request to open a rowdy/suspect sheet against respondent No.6, it is settled that the maintenance of such sheets is a preventive measure governed by the Andhra Pradesh Police Manual and corresponding Standing Orders. The decision to open or continue a rowdy/suspect sheet lies within the exclusive domain and administrative discretion of the competent police authorities, based on tangible material indicating habitual or potential involvement in criminal activity.

10. Judicial interference in such preventive or administrative measures is warranted only in exceptional cases where mala fides, arbitrariness, or violation of fundamental rights is demonstrably established (*Kamma Bapuji v. Station House Officer, B. Nagar Police Station*, 1999 (3) ALD 226 (AP)). No such circumstances are made out in the present case. In light of the

above, the petitioner's contention regarding failure of the police to register a case or open a rowdy sheet against respondent No.6 is untenable.

11. With regard to the allegation that respondent Nos.4 and 5 are making efforts to induct respondent No.6 into possession of the disputed property, it is seen that civil litigation between the parties is already pending, and a second appeal is stated to be subsisting, wherein an interim order restraining the petitioner from interference is in force. In view of the pendency of such proceedings and the interim directions in operation, this Court deems it appropriate to direct the respondent police authorities not to interfere with the possession of the subject property in any manner, except in strict accordance with law and upon due process being followed.

12. Accordingly, the writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/-M.JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Secretary, State of Telangana., Home Department, Secretariat, Secretariat Building, Hyderabad
2. The Director General of Police, State of Telangana. Office at Lakdikapul, Hyderabad-500004

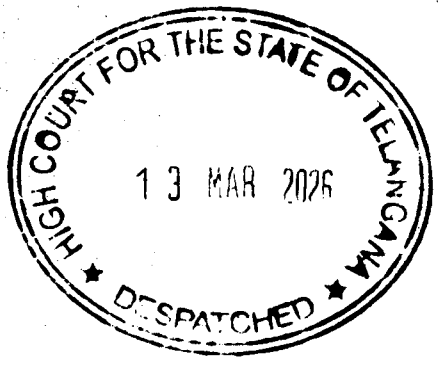
3. The Deputy Commissioner of Police, Balanagar Zone, Petbasheerabad Caton Residential Township, Bolarum, Secunderabad, Telangana 500015
4. The Assistant Commissioner of Police, Petbasheerabad Division, Office at Caton Residential Township, Bolarum, Secunderabad, Telangana 500015
5. Station House Officer., Dundigal Police Station Office at Gandi Maisamma, Hyderabad, Telangana 500043.
6. One CC to Sri Unnam Muralidhar Rao, Advocate [OPUC]
7. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
8. One CC to Sri M.V. Ramana, Advocate[OPUC]
9. Two CD Copies

T J /MJR

HIGH COURT

NTR,J

DATED:16/12/2025



ORDER

WP.No.39129 of 2018

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(12)

NT
28/2/26