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

MONDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
AND
THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

WRIT PETITION NO: 36049 OF 2026

Between:

1. Gokam Shiva Shankar @ G. Shivashankar, S/o. GokamBuggappa, Aged about 52 years, Occ. Business, Proprietor of M/s. Sree Balaji Cars, H.No. 7-1-335, Opp. Sai Baba Temple, Balkampet, Hyderabad - 500 016, R/o. H.No. 7-1-337/A, Sri Krupa Nilayam, Opp. Sai Baba Temple, Balkampet, S.R. Nagar, Ameerpet, Hyderabad - 500 038.
2. Gokam Anil Kumar, S/o. Gokam Shiva Shankar, Aged about 26 years, Occ. Business, Rio. H.No. 7-1-275, Flat No. 108, Imperial Residency, Near Yellamma Temple, Balkampet, Ameerpet, Hyderabad - 500 016.
3. Gokam Sunil Kumar, S/o. Gokam Shiva Shankar, Aged about 28 years, Occ. Business, R/o. H.No. 7-1-337/A, Sri Krupa Nilayam, Opp. Sai Baba Temple, Balkampet, S.R. Nagar, Hyderabad - 500 038.

...PETITIONERS

AND

1. The District Consumer Disputes Redressal Commission-II, Hyderabad, Rep. by its Registrar / President, District Commission, Hyderabad - II.
2. The State of Telangana, Rep. by its Principal Secretary,Consumer Affairs, Food and Civil Supplies Department, Dr. B.R. Ambedkar Telangana State Secretariat, Hyderabad.
3. The Commissioner of Police, Hyderabad City Police Commissionerate, Basheerbagh, Hyderabad.
4. The Station House Officer, S.R. Nagar Police Station, Hyderabad City Police Commissionerate, Hyderabad.
5. Mandala Laxminarayana, S/o. Late Rajaiah, Aged about 64 years, Occ. Retired, R/o. H.No. 6-2-246/3, New Bhoiguda, Secunderabad.
6. Mandala Rajesh, S/o. Mandala Laxminarayana, Aged about 37 years, Occ. Government Employee, H.No. 6-2-246/3, New Bhoiguda, Secunderabad.

7. Syed Layeeq, S/o. Syed Mahmood, R/o. H.No. 4-13-359, Mahamolodabad, Near Mohammedia Masjid, 9 No., Rajendranagar, Ranga Reddy District - 500 030.

...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 a Writ of Certiorari, calling for the records relating to the orders dated 09.02.2026, 23.03.2026, 27.04.2026 and 24.08.2026 passed in E.A. No. 17 of 2023 in C.C. No. 258 of 2021 on the file of Respondent No. 1, and quash the same asillegal, arbitrary, without jurisdiction and violative of Articles 14 and 21 of the Constitution of India, and consequently issue a Writ of Mandamus (a) directing Respondent No. 1 to give credit to the sum of Rs. 5,00,000/- already paid by Petitioner No. 1 towards the amount due under the Order dated 17.01.2023 (b) directing Respondent No. 1 not to proceed against Petitioner Nos. 2 and 3 as sureties except in accordance with Section 491 of the Bharatiya Nagarik Suraksha Sanhita, 2023, after due notice and opportunity of hearing, (c) directing Respondent No. 1 to also proceed against Respondent No. 7, who is jointly and severally liable under the Order dated 17.01.2023, for recovery of the balance amount, if any, (d) directing Respondent Nos. 3 and 4 not to take any coercive steps against the Petitioners pursuant to the impugned orders

I.A. NO: 1 OF 2026

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 dispense with the filing order dt. 17.01.2023 in C.C. No. 258 of 2021, copy of daily orders in E.A No .17 of 2023 dt.12.09.2025, 09.02.2026, 23.03.2026, 27.04.2026, and 24.08,2026 before the District Consumer Disputes Redressal Commission-II, Hyderabad

I.A. NO: 2 OF 2026

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 suspend

the operation of the orders dated 23.03.2026, 27.04.2026 and 24.08.2026 passed in E.A. No. 17 of 2023 in C.C. No. 258 of 2021 on the file of Respondent No. 1, in so far as they relate to the issuance and execution of Non-Bailable Warrants and other coercive proceedings against Petitioner Nos. 2 and 3 in their capacity as sureties, and direct Respondent Nos. 3 and 4 not to arrest or take any coercive steps against Petitioner Nos. 2 and 3 pursuant thereto, pending disposal of the above Writ Petition

I.A. NO: 3 OF 2026

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 stay all further proceedings in E.A. No. 17 of 2023 in C.C. No. 258 of 2021 on the file of Respondent No. 1, including the execution of the Non-Bailable Warrant issued against Petitioner No. 1 by order dated 09.02.2026, in view of the payment of Rs. 5,00,000/- already made by Petitioner No. 1, being more than fifty per cent of the principal amount, compensation and costs awarded under the Order dated 17.01.2023, so as to afford the Petitioners a fair opportunity to avail their remedies in accordance with law, pending disposal of the above Writ Petition

Counsel for the Petitioners: SRI P. N. DAYAKAR

Counsel for the Respondent No. 2: AGP FOR CIVIL SUPPLIES

Counsel for the Respondent Nos. 3 & 4 : AGP FOR HOME

Counsel for the Respondent Nos. 1, 5 to 7 : ----

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY
AND
HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

WRIT PETITION No.36049 OF 2026

(CNR No.HBHC010737602026)

DATE OF ORDER: 26.10.2026

Between:

Gokam Shiva Shankar @ G.Shivashankar

...Petitioner

AND

The District Consumer Disputes
Redressal Commission-II, Hyderabad
Represented by its Registrar/President,
District Commission, Hyderabad-II and others.

...Respondents

ORDER : *(as per the Hon'ble Sri Justice B.Vijaysen Reddy)*

Heard Mr. P.N.Dayakar, learned counsel for the petitioner; learned Assistant Government Pleader for Civil Supplies, appearing for respondent No.2; learned Assistant Government Pleader for Home, appearing for respondents No.3 and 4; and perused the material on record.

2. The record discloses that petitioner No.1 is opposite party No.1 in the Consumer Case No.258 of 2021. The said case was filed by respondent No.5 seeking relief for handing over original Registration Certificate of a vehicle and register the vehicle and alternatively for refund of sale consideration amount of Rs.5,72,000/- (Rupees five lakhs seventy two thousand only) with interest at the rate of 18% per annum. Respondent No.5 also sought for other reliefs. Award was

passed by the District Consumer Redressal Commission-II, Hyderabad by order dated 17.01.2023. The complainants/respondents No.5 and 6 thereafter filed E.A. No.17 of 2023 for execution of the award. It appears during the pendency of the said E.A., settlement memo dated 13.08.2025 was filed by the parties which reveals that opposite party No.1/petitioner No.1 agreed to pay Rs.9,00,000/- (Rupees nine lakhs only) towards full and final settlement to the complainants. Rs.4,00,000/- (Rupees four lakhs only) was paid on 17.07.2025 and Rs.1,00,000/- (Rupees one lakh only) was paid on 13.08.2025. Petitioner No.1 agreed to pay the balance amount of Rs.4,00,000/- (Rupees four lakhs only) in two instalments i.e. Rs.2,00,000/- (Rupees two lakhs only) on or before 12.09.2025 and Rs.2,00,000/- on or before 13.10.2025. However, the said balance amount was not paid. Thereafter, Non-Bailable Warrants (NBWs) were issued to the opposite party (i.e. petitioner No.1); he was arrested and lodged in jail, Chenchalguda. Crl.M.P. No.3 of 2025 was filed by petitioner No.1 wherein the order dated 30.07.2025 was passed granting bail to petitioner No.1 on the condition of petitioner No.1 executing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with an undertaking that he shall appear before the Commissioner on every date of hearing without fail; and on the condition of petitioners No.2 and 3 (sons of petitioner No.1) furnishing two sureties for Rs.10,000/- (Rupees ten thousand only). It appears upon petitioners No.2 and 3 furnishing sureties for a sum of Rs.10,000/- each by way of fixed deposits, petitioner No.1 was released on bail.

3. It is stated that for non-appearance of petitioner No.1 in compliance of the bail order, NBWs were issued against him and bailable warrants have been issued against petitioners No.2 and 3.

4. The docket proceedings at Ex.P-11 indicate that there was no appearance on behalf of petitioner No.1, as such, NBWs were issued to petitioner No.1 on 09.02.2026 and later to petitioners No.2 and 3 on 23.03.2026.

5. It is the contention of the learned counsel for the petitioners that petitioners No.2 and 3 are only sureties and they cannot be arrested. At the most, the surety amounts of Rs.10,000/- each furnished by them by way of fixed deposits as sureties can be forfeited for non-appearance of petitioner No.1, but NBWs cannot be issued against petitioners No.2 and 3.

6. On query made by this Court as to non-deposit of the balance amount of Rs.4,00,000/- by petitioner No.1, learned counsel for the petitioners submitted the matter is coming up before respondent No.1 on 05.11.2026 and on or before that day, the balance of Rs.4,00,000/- will be deposited.

7. In view of the above, the warrants issued against the petitioners No.2 and 3 i.e. the orders dated 23.03.2026, 27.04.2026 and 24.08.2026 passed in E.A. No.17 of 2023 in C.C. No.258 of 2021 are set aside. The warrants issued against petitioner No.1 shall stand suspended only until 05.11.2026. If the balance amount of

Rs.4,00,000/- is not deposited by petitioner No.1 on or before 05.11.2026, he shall be remanded and lodged in prison.

8. In view of the above, this Court is of the opinion that no purpose will be served if notice is issued to respondents No.5 to 7 in as much as learned counsel for the petitioners has undertaken that the balance amount of Rs.4,00,000/- will be deposited. Thus, notice to respondents No.5 to 7 is dispensed with. However, if respondents No.5 to 7 are, in any way, aggrieved by this order, they are at liberty to approach this Court and seek for modification of this order.

9. With the above observations, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition, stand closed.

SD/- K.V.O. NARSI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar / President, District Consumer Disputes Redressal Commission-II, Hyderabad, District Commission, Hyderabad - II.
2. The Principal Secretary,Consumer Affairs, Food and Civil Supplies Department, Dr. B.R. Ambedkar Telangana State Secretariat, State of Telangana, Hyderabad.
3. The Commissioner of Police, Hyderabad City Police Commissionerate, Basheerbagh, Hyderabad.
4. The Station House Officer, S.R. Nagar Police Station, Hyderabad City Police Commissionerate, Hyderabad.
5. One CC to SRI P. N. DAYAKAR, Advocate [OPUC]
6. Two CCs to GP FOR CIVIL SUPPLIES, High Court for The State of Telangana, at Hyderabad [OUT]
7. Two CCs to GP FOR HOME, High Court for The State of Telangana, at Hyderabad [OUT]

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PVL

HIGH COURT

CC-TODAY

DATED: 26/10/2026



ORDER

WP.No.36049 of 2026

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(12) PMC,
5/11/26.