

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

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 5566 OF 2020

Between:

1. L.Harikrishna Goud, S/o. L.Dayakar, aged about 46 years, Occ. Business, R/o. 16-2-755/5, Gaddiannaram, Dilsuknagar, Hyderabad.
2. Satish Goud, S/o. K.Narasimha Goud, aged about 35 years, Occ. Business, R/o. Ootpally village, Shamshabad Mandal, Ranga Reddy District.

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Home Department, T.S. Secretariat, Saifabad, Hyderabad.
2. The Director General of Police, Lakadikapool, Hyderabad.
3. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad.
4. The Deputy Commissioner of Police, Cyberabad, Shamshabad, Rangareddy District.
5. The Assistant Commissioner of Police, Cyberabad, Shamshabad, Rangareddy District.
6. Inspector of Police, P.S. Shamshabad, Cyberabad, Rangareddy District.
7. The Station House Officer, P.S. Shamshabad, Cyberabad, Rangareddy District.
8. N.Ravi, S/o. Komaraiah, Aged about 42 years, R/o. Plot No. 86, SBH colony, Venture-2, LB Nagar, Rangareddy 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 or order or directions particularly one in the nature of Writ of Mandamus, declaring the action of 6th and 7th respondents in threatening the petitioners to vacate the land in an extent of Ac. 0-17 Guntas in Sy. No. 16/A, 16/AA, 17/A, 17/AA, 18/A, 19/A, 19/A/2 situated at Ootpally Village, Shamshabad Mandal, Ranga Reddy District, joining the hands of 8th respondent under the guise of a unregistered report dated 13-02-2020 said to have lodged by the 8th respondent and interfering into civil disputes and asking the petitioners to come to the police station every day under the threat of arrest as illegal, arbitrary and unconstitutional and consequently direct the 6th and 7th respondents not to interfere in the civil disputes regarding the property mentioned above in between the petitioners and the 8th respondent and also direct the 6th and 7th respondents not to harass the petitioners to come to police station under the guise of unregistered report of 8th respondent, dated 13-02-2020 under the teeth of arrest

IA NO: 1 OF 2020

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 6th and 7th respondent not to summon the petitioners to the police station under the guise of unregistered report dated 13-02-2020 of 8th respondent in respect of the civil dispute pending between the petitioners and 8th respondent, pending disposal of the above writ petition

Counsel for the Petitioner: SRI N. RAVI PRASAD

Counsel for Respondent Nos. 1 to 7: AGP FOR HOME

Counsel for Respondent No. 8: -----

The Court made the following: ORDER

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.5566 OF 2020

ORDER:

The present writ petition is filed for issuance of a *Writ of Mandamus* to declare the action of respondents 6 & 7 in threatening the petitioners to vacate the land in an extent of Ac.0.17 guntas in Survey No.16/A, 16/AA, 17/A, 17/AA, 18/A, 19/A and 19/A/2 situated at Ootpally village, Shamshabad Mandal, Ranga Reddy District by joining the hands with 8th respondent under the guise of unregistered report dated 13.02.2020 and interfering in the civil dispute of the petitioners with unofficial respondent, as being, illegal, arbitrary and unconstitutional.

2. The matter is taken up for hearing today through video conferencing.

3. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home appearing for the official respondents.

4. The learned counsel for the petitioners submits that the dispute between the petitioners and the unofficial respondent is purely civil in nature and this Hon'ble Court had held so when the official respondent had registered a case against the petitioners, vide FIR No.22 of 2017. He would further submit that in so far as the case registered against the petitioners under FIR No.210 of 2016, this Court granted interim stay. In spite of this Court interdicting the official respondents in proceeding with the two cases registered against the petitioners, the official respondents 6 and 7 are interfering in the civil dispute of the petitioners and have called for the original documents from the petitioners which are filed into the competent Civil Court in a suit filed by the petitioners in OS No.1581 of 2016 and OS No.1582 of 2016 and thus seeks a direction

from this Court to the official respondents not to interfere in the civil dispute and to threaten the petitioners.

5. On the other hand, the learned Assistant Government Pleader for Home on instructions, while denying the allegations made in the writ affidavit, submits that the 8th respondent had made a complaint in the 7th respondent police station on 12.02.2020 against the petitioners. The 6th respondent authority upon receiving the complaint, made a GD entry and since the complaint disclosed the commission of a non-cognizable offence, the said authority had made a requisition before the Hon'ble XIV Additional Metropolitan Magistrate, Rajendranagar, on 13.02.2020 to accord permission and the same is awaited.

6. It is submitted by the learned Assistant Government Pleader for Home, that upon receiving the permission from the Hon'ble Court, the action will be taken as per law.

7. By the said written instructions, it is also stated that except receiving the complaint, making GD entry and making a requisition to the concerned court, the respondent police authorities are not interfering into the civil dispute of the petitioners with unofficial respondent at any point of time.

8. Recording the above said submissions made on behalf of the respondents 6 and 7, no further orders need be passed in the present writ petition.

9. Accordingly, the writ petition is disposed of. No order as to costs.

10. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,
1. One CC to Sri N Ravi Prasad Advocate [OPUC]
2. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
3. Two CD Copies
MBC
JM

HIGH COURT

DATED: 30/04/2020



ORDER

WP.No.5566 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

5
REMA
07/02/2020