

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

TUESDAY, THE THIRTIETH DAY OF JUNE  
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE SRI JUSTICE T.VINOD KUMAR**

**WRIT PETITION NO: 9346 OF 2020**

**Between:**

M.Janardhan Reddy, S/o. Yadi Reddy Aged 55 years. Occ. Business R/o.Plot No.21, Jupital Colony Tirumalagiri, Secunderabad.

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. Director General of Police, Government of Telangana Lakdik-apool, Hyderabad
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. The Assistant Commissioner of Police, Petbasheerabad, Cyberabad.
5. The Station House Officer, Alwal Police Station, Cyberabad.
6. N.Mohan Reddy, S/o.Lal Reddy Aged about 48 years, Occ: Business Panchasheel Enclave, Panchasheel Colony, Hyderabad.
7. Fiaz Ahmed, S/o.Osman Ahmed Aged about 49 years, Occ: Business R/o.20-4-335, Osman Cottage Kilwath, 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 any appropriate writ, order or direction one more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No.3, 5 and his Officers in interfering with the peaceful possession and enjoyment of the Petitioners property land in Sy No.573/A2/2 to an extent of Ac.0-21 gts, Sy No.573/A2/3 to an extent of Ac.0-21 gts; Sy No.573/A2/4 to an extent of Ac.0-21 gts, Sy No.573/A2/5 to an extent of Ac.0-21 gts, Sy No.573/A2/6 to an extent of Ac. 00-20 Gts total admeasuring Ac.2- 24 gts and land in Sy No.574/E/2 to an extent of AC.0-19 gts, Sy No.574/E/3 to an extent of Ac.0-19 gts, Sy No.574/E/4 to an extent of Ac.0-20 gts, Sy No.574/E/5 to an extent of Ac.0-19 gts and Sy No.574/E/6 to an extent of Ac.0- 19 gts total admeasuring Ac.2-16 gts total admeasuring Ac. 5-00 Gts situated at Old Alwal, Alwal Village, Medchal-Malkajgiri District as being illegal, arbitrary, unconstitutional and violative of Article 300-A of the Constitution of India and consequently direct the Respondent Nos. 3,5 and his officers not to interfere with the above property of the Petitioner in any manner.

**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 respondent No.3, 5 and his officers herein not to interfere with the rights of the Petitioner over the land in Sy No.573/A2/2 to an extent of Ac.0-21 gts; Sy No.573/A2/3 to an extent of Ac.0-21 gts; Sy No.573/A2/4 to an extent of Ac.0-21 gts; Sy No.573/A2/5 to an extent of Ac.0-21 gts, Sy No.573/A2/6 to an extent of Ac. 00-20 Gts total admeasuring Ac. 2-24 gts and land in Sy No.574/E/2 to an extent of Ac.0-19 gts; Sy No.574/E/3 to an extent of Ac.0-19 gts; Sy No.574/E/4 to an extent of Ac.0-20 gts; Sy No.574/E/5 to an extent of A.c.0-19 gts and Sy No.574/E/6 to an extent of Ac.0-19 gts total admeasuring Ac.2-16 gts total admeasuring Ac. 5-00 Gts situated at Old Alwal, Alwai Village, Medchal- Malkajgiri District and further not to intimidate and harass the Petitioner to remove the name boards and settle the matter with the 6th Respondent, 7<sup>th</sup> Respondent and their men pending disposal of the Writ Petition.

**Counsel for the Petitioner: SRI NARESH REDDY CHINNOLLA**

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

**Counsel for the Respondent No.6: SRI V. MURALI MANOHAR**

**Counsel for the Respondent No.7: Ms. V. CHITRALEKHA,  
LEARNED COUNSEL APPEARING ON BEHALF OF SRI V. SRINIVAS**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE T. VINOD KUMAR**

**WRIT PETITION NO.9346 OF 2020**

**ORDER:**

The present writ petition is filed for issue of a writ of mandamus to declare the action of respondent Nos.3 and 5, his officers in interfering with the peaceful possession and enjoyment of the petitioner's property in Sy. No.573 and 574 admeasuring totalling Ac.5.00 Gts, subdivided into different extents situated at Old Alwal, Alwal village, Medchal, Malkajgiri District, as being illegal, arbitrary and unconstitutional.

2. The present writ petition is taken up for hearing today, i.e. 30.06.2020, through Video Conferencing.

3. Heard learned counsel for the petitioner, learned Government Pleader for Home and Sri V. Murali Manohar, learned Counsel appearing for unofficial respondent No.6, Ms. V. Chitralekha, learned Counsel appearing on behalf of Sri V. Srinivas for unofficial respondent No.7.

4. The case of the petitioner is that the petitioner is owner and possessor of land admeasuring Ac.5.00 gts in Sy. Nos.573 and 574 situated at Old Alwal, Alwal village, Medchal, Malkajgiri District, and has obtained a perpetual injunction against the unofficial respondent no. 6 and 7 in the present writ petitioner and another by approaching the competent court of civil jurisdiction viz., Principal Senior Civil Judge's Court, Ranga Reddy District at L.B. Nagar, by filing O.S. No.769 of 2010. The learned counsel for the petitioner submits that the said suit filed by the petitioner on contest has been ordered and decreed in his favour by order and decree dated 31.12.2018. It is further claimed that the said order

and decree attained finality, since, no appeal has been filed there against by the unofficial respondent Nos.6 and 7 and another, till date and thus, the unofficial respondents cannot lay any claim or interfere with the petitioner's possession and enjoyment of the suit schedule land. It is also further submitted by the learned counsel for the petitioner that the petitioner has already initiated Execution Proceedings vide EP No. 103 of 2019 in O.S.No. 769 of 2010. In order to circumvent the order and decree passed by the civil court in O.S.No. 769 of 2010, the unofficial respondents are seeking to interfere with the possession and enjoyment of the petitioner over the suit schedule land with the help of respondent Nos.3 and 5.

5. Opposing the above said submission, the Learned Counsels appearing for unofficial respondent No. 6 and 7, submit that the said respondents also filed a suit against the petitioner herein vide O.S. No.848 of 2019, as the land of the unofficial respondents is also located in Sy. No.573, when the petitioner herein is under the guise of the order and decree obtained, sought to encroach into their lands.

6. Learned Government Pleader for Home has forwarded to this Court by e-mail the written instructions dated 30.06.2020 whereby it is stated that based on the complaint made by the 6<sup>th</sup> respondent on 23.05.2020, a case was registered against the petitioner vide Crime No.242 of 2020 and is pending investigation. While the said crime registered against the petitioner is being investigated into, on 28.06.2020 i.e., after the filing of the present Writ Petition on 24.06.2020, the 6<sup>th</sup> respondent lodged another complaint before the 5<sup>th</sup> respondent authority stating that the petitioner and his henchmen are trespassing into their lands and tried to erect board in their land and the same is pending

investigation. By the said written instructions, it is also stated that the petitioner was involved earlier in another three crimes i.e., Crime No.192 of 2010, Crime No.120 of 2013 and Crime No.216 of 2019. It is also stated that there are civil disputes between the petitioner and respondent No.6 and during the pendency of the above cases, the petitioner is trying to trespass into the above said land and the respondent has lodging the complaint against the petitioner before the police station.

7. Notwithstanding the submission made on behalf of the respondent police through the above written instructions and the learned counsels appearing on behalf of unofficial respondents, it is to be noted that admittedly there are civil disputes between the petitioner and the unofficial respondent No. 6 and 7, which the parties will have to resolve by approaching the competent civil court. Mere pendency of the disputes between the petitioner and the unofficial respondent does not by itself confer jurisdiction on the respondent police for involving themselves in the civil disputes unless ordered by court as held by this Court in the case of **J. Lakshmi and Another V. Commissioner of Police and Others**<sup>1</sup> and in catena of similar decisions, whereby this Court had restrained the respondent police authorities from interfering in the civil disputes. Further, the role of the respondent police authority would arise only in the event of any breach of peace and law and order situation arising and not when there are disputes relating to identification of land or boundaries, which need to be resolved either by revenue authorities or by having a survey done by taking appropriate steps as prescribed under law. The only power bestowed on the police authorities when disputes relating to land

or water likely to cause breach of peace, is to send a report to the concerned Executive Magistrate for invoking the powers under Section 145 Cr.P.C., which however is subject to condition that no proceedings are pending before the civil court. Except the above power, the respondent police have no say with regard to resolving the civil disputes between the parties. Noticing the growing trend of the police in interfering in the civil disputes and being called in question before the court, the respective commissionerates have prepared standard operating procedures (SOP) and put up in the web site, for providing a guidance to their officers, which the authorities are required to adhere to.

8. Since, it is stated that there are already four cases registered against the petitioner for the alleged offences stated to have been committed, while it is also claimed that cases are also registered against the 6<sup>th</sup> respondent on the complaint made by the petitioner, the respondent police authority shall conduct investigation into the crimes registered against the petitioner and also against the respondent(s), strictly in accordance with law without interfering or involving themselves in the civil disputes between the petitioner and unofficial respondents, which the parties will have to resolve by approaching the competent authority / forum as noted herein above.

9. Subject to the above direction, the Writ Petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

//TRUE COPY//

SD/-SD/-K.AMMAJI  
ASSISTANT REGISTRAR

SECTION OFFICER

To,  
1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.

Smtd

2. The Director General of Police, Government of Telangana Lakdik-apool, Hyderabad
3. The Commissioner of Police, Cyberabad, Hyderabad.
4. The Assistant Commissioner of Police, Petbasheerabad, Cyberabad.
5. The Station House Officer, Alwal Police Station, Cyberabad.
6. One CC to Sri Naresh Reddy Chinnolla, Advocate [OPUC]
7. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
8. One CC to Sri V. Murali Manohar, Advocate (OPUC)
9. One CC to Ms. V. Chitrlekha, Advocate (OPUC)
10. Two CD Copies.

MP





HIGH COURT

DATED:30/06/2020



ORDER

WP.No.9346 of 2020

DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS

SSV  
12 copies  
Dt 3/7/2020