

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

**TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 20358 OF 2021

Between:

1. Shaik Haji, S/o Shaik Khaja Aged 45 yrs, Occ. Business, R/o H.No.11-5-107, Red Hills Bazarghat, Hyderabad.
2. Smt Shah Jahan Begum, W/o Shaik Haji Aged 44 yrs, Occ. Household, R/o H. No. 11-5-107, Red Hills Bazarghat, Hyderabad.
3. Smt Zainab Begum, D/o Shaik Haji Aged 23 yrs, Occ. Student, R/o H.No.11-5-107, Red Hills, Bazarghat, Hyderabad.
4. Smt Khatija Begum, D/o Shaik Haji Aged 21 yrs, Occ Student R/o H.No.11-5-107, Red Hills Bazarghat, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, Rep its Principal Secretary Home Department Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad, TS
3. The Station House Officer, Habeeb nagar Police station Nampally, Hyderabad, TS.

...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 declaring the action of the respondent no.3 in frequently calling the petitioner No.1 to the police station and detaining the petitioner No.1 for long hours without there being any FIR or case registered against the petitioner No.1 and without following due process of law and illegally entering into the dwelling house of the petitioners 1-4 bearing H.No.11-5-107, situated at Red Hills Bazarghat, Hyderabad without prior notice or intimation on the pretext of arresting the petitioner no.1 as illegal arbitrary and violative of article 14, 21 & 22 of Indian constitution and against the principles of natural justice and Consequently direct the respondent no.3 to restrain from interfering with the personal life and liberty of the petitioners 1-4 herein And further direct the respondent no.3 to restrain from taking any coercive steps against the petitioners 1-4 herein without following due process of law.

Counsel for the Petitioners : SRI KHAJA AZHARUDDIN

Counsel for the Respondents: SRI S. RAMA MOHAN RAO, AGP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.20358 OF 2021

ORDER:

Heard Sri Khaja Azharuddin, learned counsel for the petitioners, and Sri S.Rama Mohan Rao, learned Assistant Government Pleader for Home.

Sri S.Rama Mohan Rao, learned Assistant Government Pleader for Home, on instructions, would submit that the third respondent has not received any complaint against the petitioners herein and the third respondent never called the petitioners as alleged in the writ affidavit.

Learned counsel for the petitioners, referring to the specific assertions made in Paragraph No.5 of the writ affidavit, would submit that the third respondent along with his officials are coming to the petitioners' dwelling house and harassing them illegally without registration of any crime and without following due process of law.

In view of the above said submission, this writ petition is disposed of directing the third respondent not to call the petitioners to the police station and not to harass them without following due process of law. However, liberty is granted to the third respondent to take action against the petitioners in the event of receipt of any complaint against them. There shall be no order as to costs.

Miscellaneous Petitions pending in this writ petition, if any, shall also stand dismissed.

//TRUE COPY//

SD/-R.KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Home Department, State of Telangana, Secretariat Buildings, Saifabad, Hyderabad.
2. The Commissioner of Police, Hyderabad City Basheerbagh, Hyderabad, TS
3. The Station House Officer, Habeeb nagar Police station Nampally, Hyderabad, TS.
4. One CC to Sri Khaja Azharuddin, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

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HIGH COURT

DATED:31/08/2021

ORDER

WP.No.20358 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

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[Signature]
03/09/2021