

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

**THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 7039 OF 2021

Between:

Adevely Raghuvardhan Reddy, S/o. A.Indra Reddy, Aged about 44 years, Occ. Business, R/o. H.No. 17-57/2, Sripada Enclave, Peerzadiguda Municipal Corporation, Medchal-Malkajgiri District- 500098

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Home Department, Secretariat, BRKR Bhavan, Hyderabad, TS.
2. The Director General of Police, Telangana State, Lakdikapul, Hyderabad, TS.
3. The Commissioner of Police, Rachakonda Police Commissionerate, Medchal-Malkajgiri District, Behind Malkajgiri Court Complex, Vayupuri, Neredmet, Medchal-Malkajgiri District, TS.
4. The Deputy Commissioner of Police, Rachakonda Police Commissionerate, Malkajgiri Zone, Behind Malkajgiri Court Complex, Vayupuri, Neredmet, Medchal-Malkajgiri District, TS.
5. The Assistant Commissioner of Police, Rachakonda Police Commissionerate, Malkajgiri Zone, Medchal-Malkajgiri District, TS.
6. The Station House Officer/Inspector of Police, Medipally, Police Station, Rachakonda Police Commissionerate, Medipally Mandal, Peerzadiguda Municipal Corporation, Medchal-Malkajgiri District, T.S.
7. U.Vani, D/o. U.Narsinga Rao, Aged about 30 years, Occ. Nil, R/o. H.No. 5-117-1, Muthavaliguda Village, Ghatkesar Mandal, Medchal-Malkajgiri District, TS.
8. Shetipally Muralidhar, S/o. Late Shetipally Pochalaih, Aged about 47 years, Occ. Milk Vendor, R/o. H.No. 5-80, Muthavaliguda Village, Ghatkesar Mandal, Medchal-Malkajgiri District, TS.
9. Shetipally Ramulu, S/o. Late Mankaiah, Aged about 84 years, Occ. Agriculture, R/o. H.No. 5-129, Muthavaliguda Village, Ghatkesar Mandal, Medchal-Malkajgiri District, TS.
10. Shetipally Mallesh, S/o. Late Shetipally Balaiah, Aged about 62 years, Occ. Agriculture, R/o. H.No. 5-129, Muthavaliguda Village, Ghatkesar Mandal, Medchal-Malkajgiri District, TS.,

11. Shetipally Narayana, S/o. Late Shetipally Balaiah, Aged about. 58 years, Occ. Agriculture, R/o. H.No. 5-4/1, Muthavaliguda Village Ghatkesar Mandal, Medchal-Malkajgiri District, TS.
12. Shetipally Srinivas, S/o. Late Shetipally Ramulu, Aged about. 52 years, Occ. Agriculture, R/o. H.No. 3-47, Pratap Singaram, Ward No. 5, Ghatkesar Mandal, Medchal-Malkajgiri District, TS.
13. Shetipally Srihari, S/o. Late Shetipally Ramulu, Aged about. 49 years, Occ. Agriculture, R/o. H.No. 5-67/1, Budda Nagar, Uppal Mandal, Medchal-Malkajgiri District, 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the in action of the respondents herein, particularly 3rd respondent to 6th respondents herein, neither registering the criminal case nor arrest the culprits, i.e., 7th unofficial respondent to 13th unofficial respondents, pursuant to the petitioner criminal complaint, dated. 03/03/2021, and having received the cognizable criminal complaint from the petitioner against the unofficial respondents, and not yet register the case or arresting the culprits, and same as been illegal, arbitrary, unjust, and it's nothing but misuse of their official powers, and consequently direct the respondents herein, particularly 3rd respondent to 6th respondents, forthwith register the criminal case and arrest the culprits, i.e., 7th unofficial respondent to 13th unofficial respondents, pursuant to the petitioner cognizable criminal complaint on 03/03/2021.

IA NO: 1 OF 2021

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 herein, particularly 3rd respondent to 6th respondents, forthwith register the criminal case and arrest the culprits, i.e., 7th unofficial respondent to 13th unofficial respondents, pursuant to the petitioner cognizable criminal complaint on 03/03/2021, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI S.DINESH

Counsel for the Respondent Nos.1 to 6: GP FOR HOME

Counsel for the Respondent Nos.6 to 13: None Appeared

The Court made the following: ORDER

HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.7039 of 2021

ORDER:

This Writ Petition is filed for issuance of a Writ of Mandamus to declare the inaction of respondents particularly respondent Nos.3 to 6 in registering the criminal case and in arresting the culprits i.e. unofficial respondent Nos.7 to 13 pursuant to petitioner's complaint dt.03-03-2021, as illegal, arbitrary, unjust and in violation of fundamental rights of the petitioner.

2. Heard learned counsel for petitioner and learned Government Pleader for Home appearing for respondent Nos.1 to 6, and with their consent, this Writ Petition is taken up for hearing and disposal at the admission stage.
3. Petitioner contends that aggrieved by the criminal acts of respondent Nos.7 to 13, petitioner had approached respondent Nos.3 to 6 and gave a complaint on 03-03-2021 and sought taking necessary action on the complaint. In spite of the said complaint disclosing cognizable offence, respondent Nos.3 to 6 have not taken any action and not registered the case and thus the unofficial respondents are perpetrating with their illegal acts against the petitioner.

4. Learned Government Pleader for Home had produced before this Court the written instructions under the signature of Sub-Inspector of Police, Mediiply P.S., Rachakonda Commissionerate dt.06-04-2021. The said written instructions are taken on record.

5. By the said written instructions, 6th respondent states that on receiving the above said complaint from the petitioner and causing a preliminary enquiry into the matter, and as contents of the complaint discloses that there are civil cases pending against the subject property before various forums and as the dispute is civil in nature, a notice dt.04-04-2021 was issued to the petitioner through registered post vide receipt No.6N441873030IN dt.06-04-2021 informing that the complaint given by petitioner is closed as civil in nature, directing the petitioner to approach the competent Civil Court for redressal of his grievance.

6. Having regard to the submissions, and considering the fact that respondent-authorities have reverted on the complaint made by petitioner by issuing notice dt.04-04-2021 informing that the case is closed as it is civil in nature, it is open for the petitioner to approach the appropriate forum seeking redressal of his grievance. Granting

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liberty to the petitioner to avail remedies in accordance with law, no further orders are necessary in this Writ Petition.

7. Accordingly, this Writ Petition is closed. No costs.

8. Consequently, miscellaneous petitions, pending if any, shall stand closed.

SD/- I. NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

AAH
SECTION OFFICER

To,

1. One CC to SRI S.DINESH, Advocate [OPUC]
2. Two CCs to the GP for Home, High Court for the State of Telangana. [OUT]
3. Two C.D. Copies.
4. One Spare Copy.

MRC

SB

VJ

HIGH COURT

DATED:31/03/2022

ORDER

WP.No.7039 of 2021



CLOSING THE WRIT PETITION
WITHOUT COSTS

6 VLV
23/5/22