

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3065 OF 2020  
(@ SLP (CIVIL) NO.8479/2020)

KISHORE SINGH & ORS.

APPELLANT(S)

VERSUS

THE STATE OF TELANGANA & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Mr. Narsingh Singh, the predecessor of Respondent Nos.4 to 16 filed a suit for specific performance of the Agreement of Sale dated 10.03.1991 in the City Civil Court, Hyderabad. I.A No.162 of 2009 filed in the said suit for injunction was dismissed by the Civil Court. Aggrieved thereby, Mr. Narsingh Singh filed a Civil Miscellaneous Application before the High Court of Andhra Pradesh which was allowed on 21.07.2009 subject to certain conditions.

Mr. Narsingh Singh filed W.P. No.27874 of 2014 seeking police protection as the petitioners were interfering with his right of collection of rents. An interim order was passed in the said writ petition on 17.09.2014 by which the Station House Officer, Shahinayathgunj Police Station was directed to assist the writ petitioner for collecting the rents from the tenants during weekly market. Later, Writ Petition No. 27874 of 2014 was disposed of directing the

parties to approach the civil court.

After the death of Mr. Narsingh Singh, Respondent Nos. 4-16 filed Writ petition No.27616 of 2019 in the High Court of Telangana seeking police assistance for collection of rents. A further direction was sought to Respondent Nos. 1 - 3 herein to carry out an investigation into the complaint preferred by them.

By an order dated 21.04.2020, the learned Single Judge of the High Court of Telangana disposed of the writ petition holding that the respondents were entitled to collect rents without any interference till such time the order of injunction passed by the High Court in CMA No.769/2009 subsisted. Challenging the said judgment of the learned single Judge, the Appellants filed an appeal which was dismissed by the Division Bench of the High Court on the ground that it was not maintainable.

The Division Bench of the High Court held that an appeal does not lie against a judgment in a criminal writ petition. As the judgment of the learned single judge is also challenged in this appeal, it is not necessary to adjudicate on the maintainability of the Writ Petition.

Respondent No.4 to 16 filed the Writ Petition for police protection to collect rent from the tenants and for investigation into the complaint. In the said Writ Petition the learned single Judge held that Respondent Nos.4 to 16 are entitled to collect rent till the injunction order subsists. Such an order ought not to

have been passed in a writ petition in which no such relief was sought. In any event, any relief relating to injunction can be only by way of seeking a clarification or modification of the order passed in Civil Miscellaneous Application.

Therefore, we are constrained to set aside the judgment of the single Judge dated 20.04.2020 in WP 27616 of 2019.

The appeal is, accordingly, allowed. Pending application(s), if any, shall stand disposed of.

.....J.  
(L.NAGESWARA RAO)

.....J.  
(HEMANT GUPTA)

.....J.  
(S.RAVINDRA BHAT)

NEW DELHI;  
1<sup>st</sup> September, 2020.

