

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

FRIDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 1153 OF 2022

Between:

Mohammed Khaja Miya, S/o Mohammed Moulana Saab, Aged about 60 years, Occ. Business, R/o H.No.12-4-324, T. Anjaiah Nagar, Moosapet, Hyderabad.

AND

...PETITIONER

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat at B.R.K.R..Bhavan, Hyderabad, Telangana State.
2. The Commissioner of Police, Cyberabad Police Commissionerate, At Gachi Bowli, Hyderabad.
3. The Assistant Commissioner of Police, Kukatpally, Hyderabad.
4. The Station House Officer, Kukatpally Police Station, Beside ZPHS Kukatpally, Hyderabad.
5. Shaik Rasheed, S/o Shaik Abbas Aged about 67 years, Occ. Business, R/o MIG-628, KPHB Colony, Kukatpally, Hyderabad.
6. Syed Jahangir Hussain, S/o Syed Moulana, Aged about 50 years, Occ. Business, R/o H.No.5-26-188, Ruda Mestry Nagar, Shapur Nagar, Qutubullapur, R.R. District.
7. K. Krishna Rao, S/o Late K. Chandraiah, Aged about 61 years, .Occ. Business, R/o H.NO.5-33/A, Sumitra Nagar, Kukatpally, Hyderabad-500 072.

...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 Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents 3 and 4 more particularly respondent No.4 in summoning the petitioner to the office of the 4th respondent without there being any case registered against the petitioner and coercing the petitioner to deliver the house property of the petitioner bearing H.No.12-7-133/83/2A in Sy.No.645 admeasuring 750 sq. yards situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District in favour of the respondents 5 to 7 without following due process of law as illegal, arbitrary and in violation of Articles 14, 21 and 300-A of the Constitution of India apart from being violation of principles of natural justice and consequently direct the respondents 3

and 4 not to interfere in o peaceful life, liberty and possession of the petitioner's house property bearing H.No.12-7-133/83/2A in Sy.No.645 admeasuring 750 sq. yards situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District and be pleased

IA NO: 1 OF 2022

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 3 and 4 not to interfere into peaceful life, liberty and possession of the petitioners house property bearing H.No.12-7-133/83/2A in Sy.No.645 admeasuring 750 sq. yards situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District and follow due process of law and be pleased

Counsel for the Petitioner : SRI. P VAMSHEEDHAR REDDY

Counsel for the Respondent Nos 1 to 4 : GP FOR HOME

Counsel for the Respondent Nos 5 to 7 :---

The Court made the following : ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1153 OF 2022

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"... to issue a Writ, or Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents 3 and 4 more particularly respondent No.4 in summoning the petitioner to the office of the 4th respondent without there being any case registered against the petitioner and coercing the petitioner to deliver the house property of the petitioner bearing H.No.12-7-133/83/2A in Sy.No.645 admeasuring 750 sq. yards situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District in favour of the respondents 5 to 7 without following due process of law as illegal, arbitrary and in violation of Articles 14, 21 and 300-A of the Constitution of India apart from being violation of principles of natural justice and consequently direct the respondents 3 and 4 not to interfere into peaceful life, liberty and possession of the petitioner's house property bearing H.No. 12-7-133/83/2A in Sy.No.645 admeasuring 750 sq. yards situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District and be pleased to pass such other order or orders ..."

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 4 and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is in possession of house property bearing H.No.12-7-133/83/2A in Survey No.645, admeasuring 750 Square Yards, situated at Habeeb Nagar, Kukatpally Village, Balanagar Mandal, Ranga Reddy District, by virtue of Absolute Sale Deed, dated 26.12.2005, executed by respondent Nos.5 and 6 in favour of

the petitioner, which was duly notarised. In spite of the same, the respondent police having no manner of right whatsoever and without there being commission of any crime by the petitioner, are calling the petitioner to the police station and making him to sit in the police station.

4. In view of the submissions made by the learned counsel for the petitioner and the material placed on record, the respondent-police shall not take any coercive steps against the petitioner, including calling the petitioner to the police station, in relation to the subject property. If there is any breach of law/commission of cognizable offence by the petitioner, the police concerned is entitled to take action in accordance with law.

5. With the above observations/directions, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Principal Secretary, Department of Home, Secretariat at B.R.K.R..Bhavan, The State of Telangana Hyderabad, Telangana State.
2. The Commissioner of Police, Cyberabad Police Commissionerate, At Gachi Bowli, Hyderabad.
3. The Assistant Commissioner of Police, Kukatpally, Hyderabad.
4. The Station House Officer, Kukatpally Police Station, Beside ZPHS Kukatpally, Hyderabad.
5. One CC to SRI. P VAMSHEEDHAR REDDY Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana At Hyderabad. [OUT]
7. Two cd copies
8. One spare copy

HIGH COURT

DATED : 07/01/2022

ORDER

WP.No.1153 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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12/01/2022