

(2022) 03 TEL CK 0013

High Court For The State Of Telangana:: At Hyderabad

Case No: Writ Appeal No. 142 Of 2022

Badri Prasad

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision: March 9, 2022

Acts Referred:

- Constitution Of India, 1950 - Article 226

Hon'ble Judges: Satish Chandra Sharma, CJ; Abhinand Kumar Shavili, J

Bench: Division Bench

Advocate: Surepalli Prashanth

Final Decision: Dismissed

Judgement

The present writ appeal is arising out of an order dated 04.02.2022 passed by the learned Single Judge in W.P.No.4500 of 2021.

The facts of the case reveal that a writ petition was filed by the appellant herein stating that the respondents No.2 to 4, who are the authorities of the

Police Department, are not taking any action in respect of the complaint submitted by the appellant/writ petitioner dated 15.12.2020. The complaint of

the appellant/writ petitioner was that the private respondent i.e., Dudala Anil Kumar is interfering with the possession of the appellant/writ petitioner in

respect of the property over which the appellant/writ petitioner is constructing a house. The learned Single Judge has disposed of the writ petition by

observing that the complaint dated 15.12.2020 of the appellant/writ petitioner has been investigated into and a final report has been filed on 05.03.2021

referring the dispute as civil in nature and the police authorities cannot look into it.

Learned counsel for the appellant/writ petitioner has placed reliance upon the judgment delivered in the case of Satyanarayana Tiwari v. S.H.O.,

P.S.Santhoshnagar, Hyderabad and others AIR 1982 AP 394. Her contention is that the High Court can certainly interfere in civil matters in exercise

of powers conferred under Article 226 of the Constitution of India and the High Court has jurisdiction to issue a writ, order or direction to all the

authorities including the police within the State.

This Court has carefully gone through the aforesaid judgment and in the aforesaid case there was a civil suit pending between the parties and a

direction was issued by the learned Third Assistant Judge, City Civil Court, Hyderabad, on 29.09.1981 restraining the respondents No.4 and 5 therein

from interfering with the possession of the plaintiff. In the aforesaid case, the request of the plaintiff for grant of police protection was turned down

and in those circumstances, the case has finally travelled to this Court.

In the present case there was certainly a civil suit in respect of the subject property, but the respondent No.5 i.e., Dudala Anil Kumar, was not a party

to the civil suit. Therefore, the judgment relied upon by the learned counsel for the appellant/writ petitioner in the aforesaid case is distinguishable on

facts.

In the considered opinion of this Court, in case the appellant/writ petitioner is claiming title over the subject property or is alleging that the respondent

No.5 is interfering with his peaceful possession, he is certainly having a remedy to file a civil suit and to file an appropriate application for grant of

injunction. In exercise of writ jurisdiction, the learned Single Judge was certainly justified in passing the impugned order. This Court does not find any

reason to interfere with the order passed by the learned Single Judge.

The writ appeal is accordingly dismissed.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.