

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

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION NO: 11852 OF 2014

Between:

1. S. Chandraiah, S/o. S. Hanumanthu Aged 75 years,
2. L. Narasimha Naik, S/o Niranjan, Aged 25 Years
3. Mangla Naik, S/o. Dasru Naik ,Aged 50 Years,
4. K. Srinivas, S/o. K. Saailu, Aged 50 years,
5. V. Depali, W/o. V. Chattru, Aged 30years
6. Nenavath Laxmi, W/o. Late N. Shankar, Aged 45 years
7. B. Jhansi, W/o. Late B. Gopal, Aged 40 years
8. N. Jacob Alias JK, S/o. Rajaiah, Aged 30 Years
9. J. Ilaiah, S/o. Somayya, Aged 60 Years
10. Md. Mannan, S/o. Md. Yusuf, Aged 35 years
11. Md. Moin, S/o. Md. Salim, Aged about 35 Years
12. K. Sakriya Naik, S/o. K. Ramulu Naik, Aged about 48 years

All are R/o. Sy. 13 and 14 NTR Nagar, Saroornagar Village and Mandal, R.R.
District, A.P -74.

...PETITIONERS

AND

1. The Government of Andhra Pradesh, Rep. by its Principal Secretary (Home)
Secretariat Buildings, Hyderabad.
2. The Station House Officer L.B.Nagar P.S. Cyberabad, -
3. The Hyderabad Metropolitan Development Authority, Rep. By its Chairman.
4. Smt. K. Krishna Devi, W/o. K. Ravinder Reddy, Age Not Known, Occ
Assistant State Officer-HMDA, R/o. H.No.9-6-173/1, Road No.2,
DurgaBhawani Nagar, Champapet, Hyderabad.

...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 a Writ, order or direction more particularly one in the nature of Writ of mandamus quashing the FIR No. 294/2014 dated 24.03.2014 filed against the Petitioners and others as being illegal, malafide and emanating out of an act of collusion between the Respondents whilst directing the Respondents to restore the Possession of the subject Land. to the Petitioners and further direct the Respondents to compensate the Petitioners for destruction of Dwellings and for the expenses incurred for treatment of the injured persons including women and children, and take appropriate action against the Respondents responsible for the arson and assault on the Petitioners.

I.A. NO: 1 OF 2014(WPMP. NO: 14921 OF 2014)

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 refrain the Respondents from taking any coercive action against the Petitioners and other accused and consequently grant Stay on Arrest of the Petitioners and other Accused. during the pendency of this Writ Petition and further direct the Respondents to desist from entering the Subject land and harassing the Petitioners and their families.

**Counsel for the Petitioners: M/s. SUBHAMITA VADLAMANI, REP. FOR
SRI P.SRI RAM**

Counsel for the Respondent No.1 & 2: SRI MAHESH RAJE, GP FOR HOME

**Counsel for the Respondent No.3: SRI V.SIDDHARTHA GOUD, REP. FOR
SRI V.NARASIMHA GOUD, SC FOR HMDA**

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO. 11852 OF 2014

ORDER: *(per the Hon'ble Sri Justice J.Sreenivas Rao)*

This writ petition is filed for the following relief:

“It is therefore prayed that this Hon'ble Court may be pleased to a Writ, order or direction more particularly one in the nature of Writ of Mandamus quashing the FIR No. 294/2014 dated 24.03.2014 filed against the Petitioners and others as being illegal, malafide and emanating out of an act of collusion between the Respondents whilst directing the Respondents to restore the Possession of the subject Land to the Petitioners and further direct the Respondents to compensate the Petitioners for destruction of Dwellings and for the expenses incurred for treatment of the injured persons including women and children and take appropriate action against the Respondents responsible for the arson and assault on the Petitioners and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Ms.Subhamita Vadlamani, learned counsel, representing Sri P.Sri Ram, learned counsel for the petitioners, Sri Mahesh Raje, learned Government Pleader for Home appearing on behalf of respondent Nos.1 and 2 and Sri V.Siddhartha Goud, learned counsel, representing, Sri V.Narasimha Goud, learned Standing Counsel for respondent No.3-Hyderabad metropolitan Development Authority.

3. Learned Government Pleader for Home submits that during pendency of this writ petition, Investigating Officers after completion of investigation in crime No.294 of 2014 filed charge

sheet and the same was numbered as S.C. No.85 of 2012, wherein the petitioners were acquitted and therefore, cause in the writ petition does not survive and the same was not disputed by the learned counsel for the petitioners. However, she submits that insofar as the other reliefs sought by the petitioners seeking restoration of the possession of the subject property and seeking compensation for destruction of dwellings are concerned, cause survives.

4. Insofar as the other reliefs sought by the petitioners seeking restoration of possession and seeking compensation are concerned, the petitioners have to establish their claim in respect of the subject property by adducing necessary evidence and the same cannot be adjudicated in the writ petition under Article 226 of the Constitution of India.

5. For the foregoing reasons, the petitioners are not entitled for the relief of restoration of possession and seeking compensation as claimed in the writ petition.

6. Accordingly, the Writ Petition is dismissed. However, the petitioners are granted liberty to work out their remedies as available under law. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. One CC to SRI P.SRI RAM, Advocate [OPUC]
2. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA [OPUC]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

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HIGH COURT

DATED: 30/09/2024

ORDER

WP.No.11852 of 2014

**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**



7 copies
for
4/11/24