

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 225 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 19-12-2025 in Wp.No. 39083 of 2025 on the file of the High Court.

Between:

1. Dharavath Nagu, S/o.late Somani, aged 44 years, Occ. Agriculture, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District.
2. Dharavath Jaye, S/o.late Somani, aged about 47 years, Occ. Home Guard, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District
3. Dharavath Srinivas, S/o.Nagu, aged 25 years, Occ. Agriculture, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District
4. Dharavath Dhani, W/o.late Somani, aged 69 years, Occ. Agriculture, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District
5. Dharavath Vijaya, W/o.Nagu, aged 40 years, Occ. Housewife, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District
6. Dharavath Sujatha, S/o.Jaye, aged 42 years, Occ. Housewife, R/o.Teekamnaik Thanda, H/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District

...APPELLANTS

AND

1. Dharavath Chandi, W/o. late Nanda, aged about 81 years, Occ. Agriculture, R/o.Gayamvarigudem village, Chivvemla Mandal, Suryapet District.
2. The State of Telangana, represented by its Principal Secretary, Department of Home, Secretariat, Hyderabad.

- 7
3. Director General of Police, for the State of Telangana, Hyderabad.
 4. Superintendent of Police, Suryapet District.
 5. Sub- Divisional Police Officer, Suryapet.
 6. Suryapet Rural Circle Inspector of Police, Suryapet.
 7. The Station House Officer, Chivvemla Mandal, Suryapet District

...RESPONDENTS

I.A. NO: 2 OF 2026

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 suspend the order dated 19-12-2025 in W.P.No.39083 of 2025, pending disposal of the writ appeal.

Counsel for the Appellant: SRI K.RAMA SUBBA RAO

Counsel for the Respondent No.1: SRI S.RAM REDDY

Counsel for the Respondent No.2 to 7: SRI MAHESH RAJE, GP FOR HOME

The Court delivered the following: JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.225 of 2026

DATE: 02.03.2026

BETWEEN:

Dharavath Nagu and 5 others

....Appellants

AND

Dharavath Chandi and 6 others.

....Respondents

JUDGMENT

This writ appeal, preferred under Clause 15 of the Letters Patent, assails the order dated 19.12.2025 passed by the learned Single Judge in W.P.No.39083 of 2025. By the impugned order, the learned Single Judge disposed of the writ petition at the admission stage, directing the respondent-police authorities to consider the representation of the 1st respondent herein (writ petitioner) dated 21.10.2025 and to take appropriate action in terms of the order dated 02.09.2024 passed in I.A.No.334 of 2024 in O.S.No.154 of 2021 by the Principal Junior Civil Judge, Suryapet (for short 'the trial Court').

2. Heard Sri K Rama Subba Rao, learned counsel for the appellants, Sri S Ram Reddy; learned counsel for 1st respondent and Sri Mahesh Raje, learned Government Pleader for Home appearing for respondent Nos.2 to 7 and perused the record.

Factual background (in brief)

3. The *lis* arises out of a protracted and contentious dispute between the parties in relation to agricultural lands situated at Gayamvarigudem Village, Chivvemla Mandal, Suryapet District. The dispute pertains to lands comprised in Sy.Nos.116/A and 117/E of the said village and has given rise to parallel civil proceedings, ancillary interlocutory applications, criminal cases and, ultimately, writ proceedings before this Court.

4. The 1st respondent herein claims to be the absolute owner and possessor of agricultural land admeasuring Ac.2.00 Gts in Sy.No.117/E. The 1st respondent's claim of title is founded upon a registered sale deed executed in the year 1977. According to the 1st respondent, she has been in peaceful possession and enjoyment of the said extent of land.

5. The appellants, on the other hand, assert that they are the owners and possessors of agricultural land admeasuring Ac.3.28 Gts in Sy.No.116/A of the very same village. It is their case that the boundaries of their land are distinct and that the 1st respondent is attempting to interfere with their lawful possession. It is not in dispute that, subsequent to the formation of a new bypass road in the vicinity, the value of the lands in question has considerably

appreciated, which appears to have aggravated the dispute between the parties.

6. The record discloses that both parties instituted separate suits for perpetual injunction before the competent civil Court, almost contemporaneously.

i. The appellant No.1 filed O.S.No.151 of 2021 seeking a decree of perpetual injunction in respect of the land in Sy.No.116/A. In the said suit, the appellants filed I.A.No.309 of 2021 seeking ad-interim injunction. By order dated 23.04.2021, the trial Court granted an *ex parte* ad-interim injunction restraining the 1st respondent and her son from interfering with the appellants' alleged possession over the suit schedule property.

ii. Shortly thereafter, the 1st respondent instituted O.S.No.154 of 2021 seeking perpetual injunction in respect of land in Sy.No.117/E. The 1st respondent too obtained an *ex parte* ad-interim injunction on 28.04.2021. The application for temporary injunction filed by 1st respondent in I.A.No.323 of 2021 was ultimately allowed and the interim order was made absolute by order dated 16.07.2025.

7. Alleging violation of the injunction orders by the appellants, the 1st respondent filed I.A.No.334 of 2024 in O.S.No.154 of 2021 seeking police aid for implementation of the injunction order. By order dated

02.09.2024, the trial Court allowed the said application and directed the Station House Officer (SHO), Chivvemla Police Station, to provide necessary police protection for safeguarding the suit schedule property in Sy.No.117/E.

8. Aggrieved by the grant of police aid, the appellants preferred C.R.P.No.2936 of 2024 before this Court. By order dated 25.10.2024, the learned Single Judge disposed of the said CRP directing the trial Court to expedite the disposal of I.A.No.323 of 2021 and further observing that the police aid order dated 02.09.2024 shall be subject to the result in I.A.No.323 of 2021. Upon I.A.No.323 of 2021 being allowed on 16.07.2025 and the temporary injunction being made absolute, the order granting police aid stood revived in view of the order passed in C.R.P.No.2936 of 2024.

9. It is also brought on record that, at the instance of the 1st respondent, multiple criminal cases bearing FIR Nos.113 of 2022, 163 of 2023 and 137 of 2024 were registered against the appellants by the Chivvemla police, and that charge sheets have been filed in the said cases.

10. While matters stood thus, the 1st respondent submitted a representation dated 21.10.2025 to the SHO, Chivvemla Police Station, seeking implementation of the order in I.A.No.334 of 2024 and for extension of police protection. Alleging inaction on the part of the police authorities in acting upon the said representation, the 1st

respondent instituted W.P.No.39083 of 2025 before this Court. In the said writ petition, the present appellants were arrayed as respondent Nos.7 to 12, in addition to the official respondents.

11. The learned Single Judge, by order dated 19.12.2025 disposed of the writ petition at the stage of admission, directing the respondent authorities to consider the representation of the 1st respondent and to take appropriate action strictly in accordance with law, in terms of the order dated 02.09.2024 passed by the civil Court.

12. The present writ appeal is preferred questioning the correctness and legality of the order dated 19.12.2025 passed in W.P.No.39083 of 2025.

Contentions on behalf of appellants

13. Learned counsel appearing for the appellants has assailed the impugned order dated 19.12.2025 and raised the contentions as under:

- i. That the impugned order dated 19.12.2025 passed in W.P.No.39083 of 2025 is vitiated for gross violation of the principles of natural justice. That the appellants were arrayed as respondent Nos.7 to 12 in the writ petition and that the relief sought therein, namely, a direction to grant police protection in terms of the order passed in I.A.No.334 of 2024 in O.S.No.154 of 2021 which directly

impacts the civil rights and possession claimed by the appellants.

- ii. That by disposing of the writ petition at the admission stage without issuance of notice to the appellants and without affording them an opportunity of hearing, the learned Single Judge has effectively passed an order to their prejudice behind their back. It was argued that even if the order appears innocuous on its face, no direction capable of affecting the civil rights or interests of a party can be passed without complying with the *audi alteram partem*. On this ground alone, it was urged, the impugned order is liable to be set aside.
- iii. That the 1st respondent approached this Court without disclosing material and vital facts. It was submitted that the 1st respondent had executed registered Gift Deeds bearing Document Nos.974 and 975 of 2023, dated 05.09.2023, gifting the very same land in Sy.No.117/E in favour of her sons, including one Sri D. Balaji, who is stated to be serving as a Circle Inspector of Police.
- iv. That having alienated the property, the 1st respondent ceased to have any subsisting right or *locus standi* to seek police protection in respect of the said property. The non-disclosure of the gift transactions amounts to suppression of material facts and fraud on the Court,

which is sufficient to vitiate the writ proceedings in their entirety.

- v. That issuance of notice would have enabled the appellants to place the aforesaid material facts and other relevant attendant circumstances before the learned Single Judge. The denial of such opportunity has caused grave and irreparable prejudice to the appellants.
- vi. That the writ petition was disposed of, summarily at the admission stage upon the submissions of the writ petitioner and the learned Assistant Government Pleader for Home, without contest from the private respondents. It was alleged that the son of the 1st respondent, being a serving police officer, had exerted influence, resulting in a collusive and one-sided order which now enables the police authorities to act against the appellants under the guise of a judicial direction, which reinforces the apprehension of procedural impropriety and denial of fair opportunity.
- vii. That there exists a serious and longstanding dispute as to the identity, location and boundaries of the respective lands claimed by the parties. The appellants claim ownership and possession over land in Sy.No.116/A, whereas the 1st respondent claims land in Sy.No.117/E.

- viii. That under the guise of enforcing the police aid order, the 1st respondent is attempting to encroach upon the appellants' land in Sy.No.116/A, and pursuant to the impugned order, steps have been initiated for conducting a survey of Sy.No.117/E. The appellants apprehend that such survey proceedings may be used to their detriment in the absence of adjudication of the boundary dispute.
- ix. That the appellants had already obtained an ad-interim injunction in O.S.No.151 of 2021 by order dated 23.04.2021, which predates the injunction obtained by the 1st respondent. Therefore, the direction issued in the writ petition has the effect of unsettling the existing civil Court orders and prejudicing the appellants' prior rights.
- x. That the controversy between the parties is essentially a private civil dispute relating to title, possession and boundary identification, which is pending adjudication before the competent civil Courts. That the learned Single Judge, ought not to have issued a direction that may have the effect of implementing a civil Court order when the very basis of the 1st respondent's claim; namely, her title and possession is seriously disputed.

Contentions on behalf of the 1st respondent

14. Learned counsel appearing for the 1st respondent has supported the learned Single Judge's order and raised the contentions as under:

i. That the order of the learned Single Judge does not adjudicate any disputed question of title or possession nor does it confer any substantive advantage upon the 1st respondent. The direction is limited to consideration of the 1st respondent's representation dated 21.10.2025 and to take appropriate action strictly in accordance with law and in terms of the order dated 02.09.2024 passed in I.A.No.334 of 2024.

ii. That such a directory order cannot be said to prejudicially affect the rights of the appellants. The appellants, if aggrieved, are at liberty to place their objections before the police authorities at the stage of consideration. Therefore, non-issuance of notice in the writ proceedings does not vitiate the impugned order.

iii. That the writ petition was necessitated solely on account of inaction on the part of the police authorities in implementing the police aid order passed by a competent civil Court. The direction issued by the learned Single Judge merely ensures that the civil Court's order is not rendered otiose.

iv. That the appellants are parties to the civil suit and are bound by the orders passed therein. They cannot, under the guise of procedural objections, obstruct or delay the implementation of a valid and subsisting judicial order.

v. That the mere execution of Gift Deeds, if any, does not disentitle the 1st respondent from seeking protection of possession, nor can it be construed as suppression of material facts and are irrelevant to the limited relief sought in writ petition. It was contended that the donees may be in constructive possession through the 1st respondent, and in any event, the cause of action for seeking police protection arises from the alleged threat of interference and dispossession.

Contentions on behalf of the respondent Nos.2 to 7

15. Learned Government Pleader for Home appearing for the respondent Nos. 2 to 7 contended that the State authorities are bound to act in accordance with law and to comply with judicial directions. It was stated that the order of the learned Single Judge directing consideration of the representation would be duly complied with, and did not express any opinion on the merits of the dispute between the private parties and left the matter to the discretion of this Court.

16. We have taken note of the respective contentions urged and perused the material on record, including the pleadings in the writ petition, the grounds urged in the present appeal and the copies of the interlocutory orders passed by the competent civil Court.

Consideration by this Court

17. In the present case, the appellants were admittedly impleaded as respondent Nos.7 to 12 in the writ petition. The relief sought by the 1st respondent (writ petitioner) was for a direction to the police authorities to grant protection against the appellants in purported implementation of the order passed in I.A.No.334 of 2024 in O.S.No.154 of 2021. Thus, the relief was not abstract or general in nature; it was specifically directed against the appellants and predicated upon allegations of interference attributed to them.

18. The rule of *audi alteram partem* constitutes one of the foundational pillars of natural justice. It embodies the salutary principle that no person shall be condemned or prejudicially affected without being afforded a reasonable opportunity of hearing. The said principle applies with equal vigour to proceedings under Article 226 of the Constitution of India. Though writ proceedings are summary in nature, such jurisdiction cannot be invoked to dispense with the minimum requirement of fairness where an order is capable of affecting civil rights.

19. An order passed in such circumstances, even if couched as a direction to the police authorities to 'consider' a representation, cannot be regarded as inconsequential vis-à-vis the appellants (private respondents). The core of the *lis* was the alleged threat

emanating from the appellants. Any judicial direction issued in that context inevitably carries potential civil consequences for them.

- 20.** The disposal of the writ petition at the admission stage, upon the submission of the learned counsel for the 1st respondent (writ petitioner) and the learned Assistant Government Pleader for Home, without issuing notice to the appellants (private respondents) who were already on record, has resulted in denial of an effective opportunity of hearing. The concurrence of the official respondents i.e., respondent Nos.2 to 7 who are statutory functionaries and neutral parties to the private dispute, cannot substitute the independent right of the affected appellants (private respondents) to contest the matter.
- 21.** The contention that the impugned order is merely directory and causes no prejudice, does not merit acceptance in the factual matrix of the present case. It is well settled that even an order directing a public authority to 'consider a representation' is not always innocuous. Once a direction is issued by a writ Court, the representation receives a certain judicial approval/sanction. The authorities concerned, being conscious of the judicial mandate, may treat the matter with a sense of obligation which could potentially operate to the detriment of an affected party who was not heard.

- 22.** In the instant case, the direction to consider the representation 'in terms of the order dated 02.09.2024' passed in I.A.No.334 of 2024

lends further legal weight to the claim of the 1st respondent (writ petitioner). The appellants assert that they have an independent injunction order in O.S.No.151 of 2021 dated 23.04.2021 and that there exists a dispute regarding the identity and boundaries of Sy.Nos.116/A and 117/E. These are substantial matters which bear directly upon the question whether police protection ought to be extended in the manner sought. Denial of an opportunity to the appellants' to place these aspects before the learned Single Judge has, in our considered view, resulted in prejudice which is not merely technical but substantive.

23. It is pertinent to note that the appellants have raised a serious contention that the 1st respondent (writ petitioner) executed registered Gift Deeds in respect of the subject property in favour of her sons in the year 2023 and failed to disclose the same in the writ proceedings. Suppression of such material facts strikes at the very root of the maintainability of a writ petition, as a litigant invoking the extraordinary jurisdiction of this Court is under a bounden duty to make full and candid disclosure of all relevant facts.

24. Furthermore, the question as to whether such execution of alleged Gift Deed divests the 1st respondent of her *locus standi* or whether she continues in constructive possession are matters requiring examination on the basis of proper pleadings and supporting material. While we refrain from expressing any conclusive

opinion on the validity or effect of the said Gift Deeds at this stage, the very existence of this dispute demonstrates that the matter is not free from complexity and ought not to have been disposed of without affording an opportunity of hearing to all affected parties.

25. On perusal of the record, it discloses that the dispute between the parties is essentially civil in nature, involving competing claims of title and possession, interlocutory injunctions in separate suits, and allegations of interference. The writ Court, while exercising jurisdiction under Article 226, is not expected to adjudicate intricate and contested questions of fact.

26. In the event of any grievance regarding non-implementation of the civil Court's order, the 1st respondent (writ petitioner) ought to have pursued the remedies available before the same civil Court, including initiation of execution proceedings or seeking enforcement of its orders in accordance with law. Resort to the extraordinary writ jurisdiction, particularly without issuance of notice to the contesting private respondents i.e., appellants herein, cannot be permitted to operate so as to bypass the adjudicatory process already pending before the competent civil forum.

27. It is trite that where a party is already arrayed as a respondent and the relief sought is founded upon allegations directed against such party, issuance of notice and affording an effective opportunity of hearing are imperative. The mere description of a party as an

'unofficial respondent' does not dilute this entitlement. The principles of fairness and procedural propriety demand that no adverse or potentially prejudicial order be passed behind the back of such party.

28. In our considered opinion, the learned Single Judge ought to have issued notice to appellants herein (respondent Nos.7 to 12) and afforded them an opportunity to file their counter affidavit and contest the writ petition, even if only to examine the maintainability or *prima facie* tenability of the relief sought.

Conclusion

29. For the foregoing reasons, this Court is of the considered view that the order dated 19.12.2025 passed by the learned Single Judge in W.P.No.39083 of 2025 cannot be sustained. The order suffers from an infraction of the principles of natural justice, inasmuch as the appellants, who are necessary and proper parties to the writ proceedings, were not afforded an opportunity of hearing before issuance of directions having civil consequences.

30. Accordingly, the Writ Appeal is allowed. The impugned order dated 19.12.2025 passed by the learned Single Judge in W.P.No.39083 of 2025 is hereby set aside. The writ petition is restored to the file of the learned Single Judge to decide it afresh after notice to respondent Nos.7 to 12 (appellants herein) and opportunity to file counter affidavit, if any, in accordance with law. It is clarified

that no opinion is expressed on the merits, and all issues are left open for consideration by the learned Single Judge.

As a sequel, miscellaneous petitions, pending if any, stand closed. No order as to costs.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Secretariat, Hyderabad, State of Telangana.
2. The Director General of Police, for the State of Telangana, Hyderabad.
3. The Superintendent of Police, Suryapet District.
4. The Sub- Divisional Police Officer, Suryapet.
5. The Suryapet Rural Circle Inspector of Police, Suryapet.
6. The Station House Officer, Chivvemla Mandal, Suryapet District.
7. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad
8. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
9. One CC to SRI K.RAMA SUBBA RAO, Advocate [OPUC]
10. One CC to SRI S.RAM REDDY, Advocate [OPUC]
11. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
12. Two CD Copies

BSR

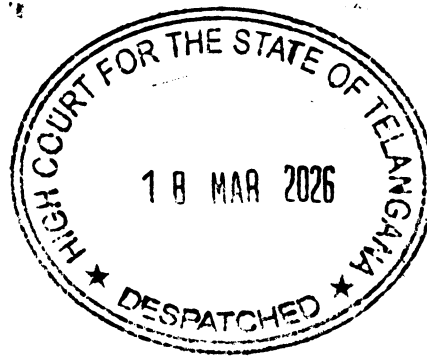
[Signature]

HIGH COURT

DATED: 02/03/2026

JUDGMENT

WA.No.225 of 2026



**ALLOWING THE WRIT APPEAL,
WITHOUT COSTS**

(15)
lpr
18/3/26