HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 244 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 23/01/2025, Passed in W.P. No. 1788 of 2025 on the file of the High Court.

Between:

Smt.Koyya @ Kasini Prasanna, W/o. Koya Suresh, Aged 39 years, Occ. House-hold, R/o.H.No.244, Basaweshwara Nagar, Sangareddy District.

...APPELLANT/THIRD PARTY

AND

1. Koyya Suresh, S/o.Late Koyya Sayanna, Aged 46 years, Occ. Formerly Software, R/o1158/3, Vinayaka Nagar, Nizamabad District, Telangana - 503001.
2. The Union of India, Ministry of Home Affairs, Rep. by its Principal Secretary, Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi7 110 001.
3. The Commissioner of Immigration, Bureau of Immigration, New Delhi.
4. The Foreign Regional Registration Officers, The Sardar Vallabhai Patel Boi OCR Complex, Shamshabad-Pahadishareef Road, Near GMR Township (CISF Residential Quarters), Mamidipally, Shamshabad, Telangana PIN - 501218.
5. The Superintendent of Police, Sangareddy, Telangana.
6. The Deputy Superintendent of Police, Sangareddy District, Telangana.
7. The Station House Officer, WPS, Sangareddy District.

...RESPONDENTS

IA NO: 1 OF 2025

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

stay the Order dated 23/01/2025 passed by the Learned Single Judge in W.P. No. 1788 of 2025, pending disposal of the writ appeal.

Counsel for the Appellant: SRI YEMMIGANUR SOMA SRINATH REDDY

Counsel for the Respondent No.1: SRI G.SUMANTH KUMAR

Counsel for the Respondent No.2 to 4: SRI B.MUKHERJEE, REP. FOR SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERIAL OF INDIA

Counsel for the Respondent No.5 to 7: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.244 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri Yemmiganur Soma Srinath Reddy, learned counsel for the appellant; Sri G.Sumanth Kumar, learned counsel for respondent No.1; and Sri B. Mukherjee, learned counsel representing Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, for respondent Nos.2 to 4.

2. This writ appeal assails the interlocutory order passed by the learned Single Judge in W.P.No.1788 of 2025, dated 23.01.2025.

3. This writ appeal is not maintainable for twin reasons. Firstly, it is against an interlocutory order and secondly, the writ Court is examining a criminal matter.

4. In view of the judgment of the Supreme Court in **Ram Kishan Fauji v. State of Haryana**[1], the judgment of the High Court for the State of Telangana in **State of Telangana v.**

[1] (2017) 5 SCC 533

Tushar Vellapally[2] and the judgment of the Gauhati High Court in **Deba Prasad Dutta v. State of Assam**[3], the writ appeal is not maintainable where the writ Court is exercising its jurisdiction in a criminal matter.

5. Accordingly, the writ appeal is dismissed. However, this order will not come in the way of the appellant to participate in the writ proceedings in accordance with law. No order as to costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI YEMMIGANUR SOMA SRINATH REDDY, Advocate [OPUC]
2. One CC to SRI G.SUMANTH KUMAR, Advocate [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERIAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

BSR
BS

[2] 2023 SCC OnLine TS 334
[3] 2023 SCC OnLine Gau 3615: AIR 2024 Gau 30

HIGH COURT

DATED: 03/03/2025

JUDGMENT

WA.No.244 of 2025



DISMISSING THE WRIT APPEAL,

WITHOUT COSTS

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20/03/25