IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 787 OF 2024

Writ Appeal under clause 15 of the Letters Patent Against The Order Dated.25/04/2024 in Wp.No. 9940 Of 2024 on the file of the High Court.

Between:

1. Kasula Narasimah, S/o. Venkiaiah, Age. 75 Years, Occ. Nil, R/o. Dupalli (V), Valigonda (M), Yadari Bhongir District
2. Kasula Andalu, W/o.Narasimah, Age. 65 Years, Occ. Nil, R/o. Dupalli (V), Valigonda (M), Yadari Bhongir District
3. Kasula Srinivas, S/o.Narsaiah, Age. 43 Years, Occ. Agriculturist, R/o. Dupalli (V), at present Valigonda (M), Yadari Bhongir District.

...APPELLANTS

AND

1. The State Of Telangana, rep by its Principal Secretary, (Home Department) , Secretariat, Hyderabad.
2. The Commissioner Of Police, Rachakonda Commisinerate , ECIL MM.Dist. Hyderabad.
3. The Deputy Commissioner Of Police, Rachakonda Commisinerate , Bhongir Zone, Yadari Bhongir District at Yadari Bhongir.
4. The Assistant Commissioner Of Police, Rachakonda Commisinerate , Bhongir Division, Yadari Bhongir District at Yadari Bhongir.
5. The Inspector fo Police, Ramannapet Circle, Rachakonda Commisinerate, at Ramannapet Yadari Bhongir District.
6. The Station House Officer / Sub-Inspector of police, Police Station, Rachakonda Commisinerate at Valigonda (M), Yadari Bhongir District.
7. Kasula Korupuri Thulasi, W/o. Suresh,Age.23 years Occ. Agriculture, R/o. Duppelli village, of Valigonda Mandal, Yadadri Bhongir District.
8. Kasula Anasurya, W/o. Venkatesh, Age.40 years, Occ.Agriculture,R/0. Duppelli village of Valigonda Mandal, Yadadri-Bhongir District.
9. Kasula Venkatesh, S/o. Narsalah, Age.43 years, Occ. Agriculture, R/O .Duppelli village of Valigonda Mandal, Yadadri-Bhongir District.

10. Korupuri Suresh, S/O. Shankaralah, Age.32 years, Occ. Excise Conistable,R/o. Jaikesaram village of Choutuppal Mandal, Yadadri-Bhongir District.

11. Nagula Somulu, S/o. Narsalah, Age. 52 years, Occ.Agriculture, R/O. Duppelli village of Valigonda Mandal, Yadadri-Bhongir District.

12. Kanneboina Shankaralah, S/o. Sathaiah, Age. 50 years, Occ.Agriculture, R/o. Duppelli village of, Valigonda Mandal, Yadadri- Bhongir District.

13. Kanneboina Shoba, W/o. Mallalah, Age. 38 years, Occ.Agriculture, R/ O. Duppelli village of Vallgonda Mandal, Yadadri-Bhongir District.

14. Bandela Swamy Das, S/o. Eashwaraiah, Age.50 years, Occ Agriculture, R/O. Duppelli village, of Valigonda Mandal, Yadadri- Bhongir District.

15. Vallapu Srinivas, S/o. Chandralah, Age. 40 years, Occ. Agriculture, R/o. Duppelli village Valigonda Mandal, Yadadri-Bhongir District.

16. Korupuri Sathaiah, S/o. Shankaralah, Age. 35 years, Occ.R.T.C. Driver, R/O.Jalkesaram village, of Choutuppal Manal, Yadadri-Bhongir District.

17. Kanneboina Matchagiri, S/o. Shankaralah, Age.25 years Occ. Agriculture, R/o. Duppelli village of Valigonda Mandal, Yadadri- Bhongir District

18. Kanneboina Parashuramulu, S/o. Mallaiah, Age.25 years Occ.Agriculture, R/ 0. Duppelli village of Valigonda Mandal, Yadadri-Bhongir District.

...RESPONDENTS

IA NO: 1 OF 2024

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 respondent No.6 /police not to foist the false cases in support of the unofficial respondents instead of provide police protection obstruction the petitioners to enter in to his owned registered lands for cultivation.

Counsel for the Appellant : SRI G.L.NARASIMHA RAO

Counsel for the Respondents No.1to6: SRI MAHESH RAJE, GP FOR HOME

Counsel for the Respondents No.7to18 : --

The Court made the following: JUDGMENT

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

WRIT APPEAL No.787 of 2024

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

Sri G.L. Narasimha Rao, learned counsel for the appellants and Sri Mahesh Raje, learned Government Pleader for Home, for respondent Nos.1 to 6.

2. This intra-court appeal assails the order dated 25.04.2024 passed by a learned Single Judge in W.P.No.9940 of 2024.

3. The principal prayer of the appellants before the writ Court was regarding non-consideration of their representation dated 14.02.2024.

4. Learned Government Pleader for Home informed that the offence has been registered against the persons whose names were referred in the aforesaid representation and even charge sheet has also been filed.

5. Learned Single Judge has examined the matter and recorded the following findings:

"2. Learned Assistant Government Pleader for Home, on the basis of the written instructions, submitted that on the complaint of the petitioner No.1 dated 10.03.2024 to the respondent No.6 enquiry was conducted. As the allegations in the said complaint were non-cognizable in nature, the respondent No.6 took permission from the Judicial First Class Magistrate, Ramannapet and registered FIR.No.128 of 2024 for the offences punishable under Sections 290, 323 and 506 read with Section 34 of the Indian Penal Code, 1860, against Kasula Venkanna and Kasula Anasuya and the case is under investigation.

3. Learned Assistant Government Pleader for Home further stated that the petitioner shall produce Court order for extending necessary police protection and without Court order, police protection cannot be given.

4. Copy of the written instructions along with FIR.No.128 of 2024 is served on the learned counsel for the petitioners.

5. As it is stated that investigation in FIR.No.128 of 2024 is being undertaken, this Court is not inclined to pass any order and the writ petition is closed. However, the respondent No.6 is directed to ensure that respondents No.7 to 18 and accused persons in FIR.No.128 of 2024 do not take law into their hands and complete the investigation as expeditiously as possible."

6. Learned Single Judge, while passing the impugned order, has considered the provisions of criminal law and in this view of the matter, this intra-court appeal is not maintainable.

7. The Supreme Court in **Ram Kishan Fauji v. State of Haryana**[1], opined that the writ appeal/letters patent appeal is not maintainable against the order of the writ court when it

[1] (2017) 5 SCC 533

examined a criminal matter. The similar view was followed by the High Court for the State of Telangana in **State of Telangana v. Tushar Vellapally**[2] and the Gauhati High Court in **Deba Prasad Dutta v. State of Assam**[3].

8. Accordingly, this Writ Appeal is **disposed of** by reserving the liberty to the appellants to file appropriate proceedings. No order as to costs.

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

SD/-B.SATYAVATHI
JOINT REGISTRAR

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, (Home Departmnet) , Secretariat, State Of Telangana, Hyderabad.
2. The Commissioner Of Police, Rachakonda Commisinerate , ECIL MM.Dist. Hyderabad.
3. The Deputy Commissioner Of Police, Rachakonda Commisinerate , Bhongir Zone, Yadari Bhongir District at Yadari Bhongir.
4. The Assistant Commissioner Of Police, Rachakonda Commisinerate , Bhongir Division, Yadari Bhongir District at Yadari Bhongir.
5. The Inspector fo Police, Ramannapet Circle, Rachakonda Commisinerate, at Ramannapet Yadari Bhongir District.
6. The Station House Officer / Sub-Inspector of police, Police Station, Rachakonda Commisinerate at Valigonda (M), Yadari Bhongir District.
7. One CC to SRI G.L.NARASIMHA RAO, Advocate. [OPUC]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
9. Two CD Copies.

BSK
LS

HIGH COURT

DATED:02/04/2025



JUDGMENT

WA.No.787 of 2024

DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(12)

21/4/25