IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY FOURTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH AND THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT APPEAL NO: 935 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 27/07/2026 in W.P.No.19060 of 2026. on the file of the High Court.

Between:

1. M/s. Murgan Enterprises, represented by its Priprietor Mr. Nagaraj Vannaboina, S/o. Venkatesham Vannaboina, aged about 47 years, Occ ; Business, R/o. H.No.302/A, Comsary Bazar, New Bowenpalli, Secunderabad.
2. M/s. BCUBE, a Partnership Firm, represented by its Partner Mr. Harsha Bhatula, S/o. B. Vidhyasagar, aged about 39 years, Occ; Managing Partner, R/o. Flat No.401, Raghahari Apt., Rd. No.32A, Manikonda, Hyderabad - 89.

.....APPELLANTS

AND

1. The Hindustan Aeronautical Employees Co-operative Housing Society Limited, Regd. No. TBC-269, Rep. by its Secretary A. Prudviraj, S/o. Rajarangam, aged about 55 years, Occ.. Secretary, R/o. A-629, HAL Campus, Bala Nagar, Hyderabad - 500042.

.....RESPONDENT No.1/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
3. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad -500032.
4. The Deputy Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad - 500032.
5. The Assistant Commissioner of Police, Hyderabad Commissionerate, Cyberabad, Miyapur Area, Miyapur, Hyderabad - 500049.
6. The Station House Officer, Miyapur Police Station, Cyberabad Commissionerate, Hyderabad.

7. Jetendra Kumar, S/o. Bansilal, R/o. Gulzar House, Charkaman, Hyderabad.
8. Paleti Shravan Kumar, S/o. P. Ram Das, R/o. H. No.7-2-1263, STR/1008, industrial Housing Colony, Sanath Nagar, Hyderabad.
9. Md. Shamir Ahmed, R/o. H. No, 2-591, Rubber Scrap Yard, Behind Railway Station, Hafeezpet Village, Serilingampally, Ranga Reddy District.
10. K. Konda Rao, H.No.1072, Kukatpally Village, Hyderabad - 500 072.
11. K. Manohar Goud, R/o. Beside Western Grammar School, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
12. Sakali Ramulu, R/o. Sainagar, Behind Railway Station. Hafeezpet Village, Serilingampally (M), Ranga Reddy District.
13. Anjaiah, R/o FL No. 2-436, Hafeezpet Village, Serilingampally Manda, Rangareddy District.
14. Sailu, R/o. H.No.2-435, Hafeezpet Village, Serilingampally (M), Ranga Reddy District.
15. Syed Abdul Quadri, S/o. Late Rukuddin, R/o. Behind Rubber Scrap Yard. Serilingampally Mandal, Ranga Reddy District.
16. Shivaji, R/o. H.No.2-564, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
17. Balaji, R/o. H.No.2-522, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
18. Gurudev, R/o. H. No. 2-429, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
19. Jagannath, R/o. H. No. 2-433, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.
20. Chandrananima, R/o. 1-1. No. 2-433, Hafeezpet Village, Serilingampally Mandal. Rarrga Reddy District.
21. Kalpana, , R/o. H No. 2-422, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District.

.....RESPONDENTS NOS.2 TO 21/
RESPONDENTS NOS.1 TO 20

I.A.NO:3 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 27/07/2026 in W.P. No.19060/2026 passed by learned single judge of this Honourable Court during the pendency of the writ appeal.

Counsel for Appellant : SRI B.MAYUR REDDY, LEANRED SENIOR COUNSEL REPRESENTING SRI MEER AKBAR ALI HASHMI
Counsel for Respondent No.1 : SRI VADEENDRA JOSHI
Counsel for Respondent Nos.2 to 6 : SRI MAHESH RAJE, GP FOR HOME
Counsel for Respondent Nos.7 to 21 :--
The Court made 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 VAKITI RAMAKRISHNA REDDY

WRIT APPEAL No. 935 of 2026
(CNR.No. HBHC010582782026)

DATED : 24.09.2026

Between:

M/s. Murgan Enterprises,
Rep., by its Proprietor, Mr. Nagaraj Vennaboina,
New Bowenpalli, Secunderabad and another.

... Appellants

AND

The Hindustan Aeronautical Employees Co-operative
Housing Society Limited,
Rep., by its Secretary, Mr. A. Prudviraj,
Balanagar, Hyderabad and 20 others.

... Respondents

JUDGMENT:

Mr. B. Mayur Reddy, learned Senior Counsel represents Mr. Meer Akbar Ali Hashmi, learned counsel for the appellants.

Mr. Mahesh Raje, learned Government Pleader for Home, appears for respondent Nos.2 to 6.

Mr. Vadeendra Joshi, learned counsel for respondent No.1.

2. Since the impugned judgment dated 27.07.2026 passed in W.P.No.19060 of 2026 has been set aside by this Court in W.A.No.884 of 2026 vide judgment dated 11.09.2026, learned counsel for the parties agreed that the present writ appeal, which arises out of the same impugned order, is covered by the judgment rendered by this Court in W.A.No.884 of 2026.

3. Accordingly, the writ appeal is allowed in terms of the judgment dated 11.09.2026 passed in W.A.No.884 of 2026. No costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/- M.RAMANA KRISHNA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Hindustan Aeronautical Employees Co-operative Housing Society Limited, Regd. No. TBC-269, A. Prudviraj, S/o. Rajarangam, aged about 55 years, Occ.. Secretary, R/o. A-629, HAL Campus, Bala Nagar, Hyderabad - 500042.
2. The Principal Secretary, Department of Home, Secretariat, State of Telangana at Hyderabad.
3. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad -500032.
4. The Deputy Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad - 500032.
5. The Assistant Commissioner of Police, Hyderabad Commissionerate, Cyberabad, Miyapur Area, Miyapur, Hyderabad - 500049.
6. The Station House Officer, Miyapur Police Station, Cyberabad Commissionerate, Hyderabad.
7. Two CC's to G.P FOR HOME, High Court for the State of Telangana at Hyderabad. (OUT)
8. One CC to SRI MEER AKBAR ALI HASHMI, Advocate [OPUC]
9. One CC to SRI VADEENDRA JOSHI, Advocate [OPUC]
10. Two CD Copies

(Along with a copy of the judgment dated 11-9-2026 in W.A.No.884 of 2026 to this order)

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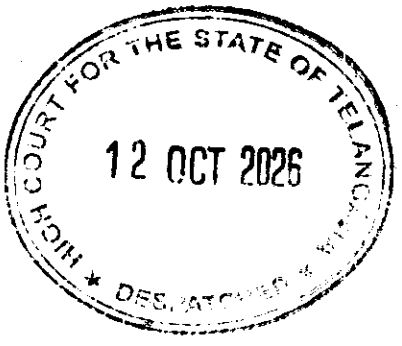
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HIGH COURT

DATED: 24/09/2026

JUDGMENT

WA.No.935 of 2026



ALLOWING THE W.A

WITHOUT COSTS.

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6/10/26

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.884 of 2026

(CNR No.HBHC010570972026)

DATE: 11.09.2026

Between:

Fidji Khaleel and another

....Appellants

And

The Hindustan Aeronautical
Employees Cooperative Housing
Society Limited and others.

....Respondents

JUDGMENT

Heard Sri J.Prabhakar, learned Senior Counsel representing Sri N.M.Krishnaiah, learned counsel for the appellants and Sri P.Sri Raghu Ram, learned Senior Counsel representing Sri Vadeendra Joshi, learned counsel for respondent No.1 and perused the record.

2. This writ appeal, under Clause 15 of the Letters Patent, is preferred, by the appellants, who are not parties to the underlying Writ Petition, against the order dated 27.07.2026 passed by the learned Single Judge in W.P.No.19060 of 2026. By the said order, the learned Single Judge disposed of the Writ Petition by directing the respondent-Police to consider the request of the petitioner-Society (respondent No.1 herein) for police protection and, whenever

such a request was made, to extend necessary police protection for the effective enforcement of the decree passed in O.S.No.359 of 2001 dated 29.08.2008.

Factual matrix

3. The appellants are stated to have acquired land admeasuring Ac.04-00 Gts. in Sy.No.77 of Hafeezpet Village, Serilingampally Mandal, Rangareddy District, under a registered Assignment Deed bearing Document No.622/IV/2012 dated 07.11.2012. As the said property formed part of the subject matter of C.S. No.14 of 1958, the appellants filed Application No.566 of 2013 seeking passing of a final decree. The said application was allowed and a final decree was passed declaring the appellants to be the absolute owners of the respective extents of land. The final decree was registered as Document No.1427 of 2014 dated 15.03.2014. The appellants are stated to have thereafter remained in possession and enjoyment of the property and to have obtained various permissions for development of the same, including construction of a residential apartment on a portion thereof.

4. Respondent No.1, Hindustan Aeronautical Employees Co-operative Housing Society Ltd. (hereinafter referred to as "the Society"), claims an interest in a portion of the land comprised in Sy.No.77 on the basis of registered sale deeds stated to have been executed by a General Power of Attorney (GPA) holder of the original

land owners in the years 1981 and 1982. The Society instituted O.S.No.359 of 2001 before the learned IV Additional Senior Civil Judge (FTC), Rangareddy District at Kukatpally, seeking an injunction against the defendants therein. The said suit was decreed on 29.08.2008. The present appellants were not parties to the said suit.

5. In connection with the enforcement of the decree in O.S.No.359 of 2001, the Society initiated execution proceedings, *vide* E.P. No.213 of 2017. The Society also filed E.A. No.119 of 2023 before the executing Court seeking police aid for effective enforcement of the said decree. The said application was dismissed on 17.02.2026. Thereafter, the Society filed C.R.P. No.1316 of 2026 before this Court, which was disposed of on 29.04.2026 permitting the Society to file a fresh application before the trial Court.

6. The Society thereafter submitted representations dated 15.03.2026 and 12.06.2026 seeking police protection in relation to the decree in O.S. No.359 of 2001 and instituted W.P. No.19060 of 2026 on 18.06.2026. The learned Single Judge *vide* order dated 27.07.2026, took note of the written instructions furnished on behalf of the police, including the instruction dated 24.07.2026 stating that police personnel were available for providing protection. The learned Single Judge thereafter disposed of W.P.No.19060 of 2026, directing the respondent-police to consider the Society's

request for police protection and, whenever such a request was made, to extend necessary police protection for effective enforcement of the decree passed in O.S. No.359 of 2001 dated 29.08.2008.

7. The present Writ Appeal has been instituted by the appellants, who were not parties to W.P. No.19060 of 2026, challenging the order dated 27.07.2026 passed therein. The appeal arises in the context of the competing claims concerning the land in Sy.No.77, the decree in O.S. No.359 of 2001, the subsequent execution proceedings, and the direction issued for police protection in aid of enforcement of the said decree.

Submissions on behalf of the appellants

8. Sri J.Prabhakar, learned Senior Counsel appearing for the appellants has advanced the following submissions:

i) That the respondent-Society had not disclosed material facts relating to the earlier proceedings for police aid in the writ petition. In particular, E.A.No.119 of 2023, filed by the Society before the Executing Court seeking police aid for enforcement of the decree in O.S.No.359 of 2001, which was dismissed on 17.02.2026. The fact that aggrieved by the said order dated 17.02.2026, the Society preferred C.R.P. No.1316 of 2026 before this Court, which was disposed of on

29.04.2026, permitting the Society to file a fresh application before the Executing Court.

ii) By placing reliance on ***K.Jayaram and others v. Bangalore Development Authority and others***[1], it is contended that while invoking the jurisdiction under Article 226 of the Constitution of India, it is imperative that the petitioner approaching the writ Court must come with clean hands and put forward all the facts without supressing or concealing anything, and withholding of such vital and relevant material would constitute a fraud on the Court and as well as on the other party.

iii) That the Society's claim in respect of the subject land had also been considered in the proceedings arising out of O.S.A.No.18 of 2004 and batch. It was submitted that the judgment dated 17.02.2012 in the said proceedings dealt with the Society's claim based on the sale deeds of 1981 and 1982 and recorded findings concerning its claim of title and possession over the subject land. According to the learned Senior Counsel, the said proceedings were material to the Society's subsequent claim for police protection and ought to have been brought to the notice of the learned Single Judge.

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[1] (2022) 12 SCC 815

iv) That the decree in O.S. No.359 of 2001 was a decree for injunction and operated between the parties to that suit. Since the present appellants were not parties to O.S. No.359 of 2001, it was argued that the said decree could not be enforced against them so as to affect their alleged independent title and possession over the subject property. It was, therefore, submitted that the grant of police protection in aid of such decree could not be permitted to result in the dispossession of persons who were not parties to the decree.

v) That the appellants claim independent title and possession over the subject property pursuant to the assignment deed dated 07.11.2012 and the final decree passed in C.S. No.14 of 1958. Learned Senior Counsel submitted that subsequent to the order dated 27.07.2026, the appellants had approached the police in relation to alleged interference with their possession, pursuant to which Crime No.1188 of 2026 was registered by the Miyapur Police Station on 14.08.2026 under Sections 329(3), 126(2) and 324(4) of the BNS, 2023.

vi) That the learned Single Judge ought not to have exercised writ jurisdiction when an efficacious remedy was available before the Executing Court under Order XXI Rule 32 of the CPC. It was submitted that the Society had already invoked the execution jurisdiction and had also sought police aid

before the Executing Court. According to the learned counsel, the pendency of the execution proceedings and the liberty granted by this Court in C.R.P.No.1316 of 2026 to file a fresh application before the Executing Court militated against invoking the writ jurisdiction for the self same relief.

Submissions on behalf of respondent No.1-Society

9. Sri P.Sri Raghu Ram, learned Senior Counsel appearing for respondent No.1-Society has advanced the following submissions:

i) That respondent No.1-Society holds a decree for perpetual injunction in O.S. No.359 of 2001 and that the said decree had attained finality in the proceedings referred to by the Society. It was further submitted that despite representations made to the police authorities, adequate protection had not been extended in relation to the Society's possession and enforcement of the decree.

ii) That the police authorities have a public duty to ensure compliance with orders of competent Courts and that where such duty is not discharged, a writ of *mandamus* can be sought under Article 226 of the Constitution.

iii) That the appellants were not parties to the original suit or to the Writ Petition and that their claim over the subject property was disputed.

iv) That the appellants have no *locus standi* to challenge the order as they were not parties to the suit or the Writ Petition. It is contended that the appellants' claim of title and possession could not be used to defeat the Society's rights under the decree in O.S.No.359 of 2001. It was also submitted that the criminal proceedings initiated by the appellants were subsequent to the dispute concerning enforcement of the decree and did not affect the Society's entitlement to seek police protection.

v) That the remedy available under the CPC did not preclude the exercise of the constitutional jurisdiction of this Court where immediate intervention was required to protect possession and prevent breach of peace. It was argued that the power under Article 226 of the Constitution is of wide amplitude and that the availability of a civil remedy is not an absolute bar to the issuance of a writ of *mandamus* where the circumstances otherwise warrant such intervention.

vi) Learned counsel for the respondent No.1 has placed reliance on the following decisions:

a) *Ruqia Fatima v. Sama Anitha*[2]
b) *H.Anjanappa and others. V. A.Prahakar and others*[3]
c) *Basutkar Tara Bai and another v. The State of Telangana*[4]
d) *Kishore Singh and others v. The State of Telangana*[5]

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[2] W.A.No.41 of 2025 dated 07.01.2025
[3] 2025 SCC OnLine SC 183
[4] W.A.No.557 of 2020 dated 14.12.2020
[5] W.A.No.184 of 2020 dated 22.06.2020

e) *Ram Kishan Fauji v. The State of Haryana and others*[6]
f) *The Govt. of NCT of Delhi and another v. BSK Realtors LLP and another*[7]
g) *SJS Business Enterprises (P) Ltd. V. State of Bihar and others*[8]
h) *P.R. Muralidharan and others v. Swami Dharmananda Theertha Padar and others*[9]
i) *Kotak Mahindra Bank Ltd. V. The SHO, Madhapur P.S, Hyderabad and others*[10]
j) *Satyanarayana Tiwari v. SHO, P.S.Santhoshnagar, Hyderabad and others*[11]
k) *A.Bharati and others v. State of Telangana and others*[12]
l) *M/s.Hindustan Petroleum Corporation Ltd. V. The Govt. of Andhra Pradesh and others*[13]
m) *Saraswati Devi and others v. Santosh Singh and others*[14]
n) *V.N.Krishna Murthy and another v. Ravikuar and others*[15]
o) *Kommera Pramoda v. Muppidi Shyam Sunder Reddy*[16]

10. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

11. It is trite law that a litigant who approaches the writ Court has to make full, complete and a truthful disclosure of all material facts bearing upon the relief sought. This requirement has been consistently held by the Hon'ble Supreme Court as being relevant factor to the exercise of discretionary jurisdiction under Article 226 of the Constitution of India.

12. The record discloses that the respondent-Society had filed E.A.No.119 of 2023 in E.P.No.27 of 2023 before the learned Senior

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[6] (2017) 5 SCC 533
[7] (2024) 7 SCC 370
[8] (2004) 7 SCC 166
[9] (2006) 4 SCC 501
[10] 2015 SCC OnLine Hyd 285
[11] 1982 SCC OnLine AP 83
[12] 2016 SCC OnLine Hyd 490
[13] 2014 SCC OnLine Hyd 1062
[14] 2025 SCC OnLine SC 1145
[15] (2020) 9 SCC 501
[16] 2026 SCC OnLine TS 8343

Civil Judge, Ranga Reddy District at Kukatpally, seeking police aid for implementation of the very same decree of injunction. The said application was dismissed by order dated 17.02.2026. The Executing Court held, *inter alia*, that the remedy available to the decree-holder was under Order XXI Rule 32 CPC and that the Civil Court could not grant police protection in the manner sought under Section 151 CPC read with Section 94 CPC.

13. Aggrieved by the said order, the respondent-Society filed C.R.P.No.1316 of 2026 before this Court. The said CRP was disposed of on 29.04.2026, permitting the Society to file a fresh application before the Executing Court by bringing on record the relevant facts for seeking police protection. Thus, the Society was specifically afforded an opportunity to pursue the relief before the Executing Court.

14. It is well settled law that a party invoking the extraordinary and discretionary jurisdiction of this Court under Article 226 of the Constitution is required to make a full and candid disclosure of all material facts having a bearing on the relief sought. However, in the present case, the respondent-Society did not place before the learned Single Judge the material particulars concerning the dismissal of E.A.No.119 of 2023 and the subsequent order passed in C.R.P.No.1316 of 2026 granting liberty to file a fresh application before the Executing Court. The mere disclosure of the pendency of

E.P. No.27 of2023 could not be treated as a complete disclosure of the relevant procedural history.

15. It is to be noted that the order dated 29.04.2026 in C.R.P.No.1316 of 2026 was a material circumstance, particularly because the Society thereafter sought substantially the same relief of police protection by approaching the Writ Court. The subsequent representations dated 15.03.2026 and 12.06.2026, and the relief ultimately granted by the learned Single Judge, have to be considered in the backdrop of the earlier proceedings before the Executing Court and this Court. Therefore, the failure to place the complete and relevant procedural history before the learned Single Judge assumes significance in considering whether the discretionary jurisdiction under Article 226 of the Constitution ought to have been exercised.

16. The Apex Court in ***P.R. Murlidharan*** (supra 9) has held that the writ jurisdiction of this Court cannot be invoked as a substitute for a civil suit for determination of disputed civil rights. While writ jurisdiction may, in an appropriate case, be invoked for enforcement of a decree or order passed by a competent Court, it cannot ordinarily be exercised for adjudicating disputed questions of title, possession or other civil rights which require determination by the competent civil forum.

17. The appellants claim title and possession on the basis of the final decree arising out of C.S.No.14 of 1958, whereas the respondent-Society claims rights over the subject property on the basis of sale deeds said to have been executed in its favour and the decree of injunction passed in O.S.No.359 of 2001.

18. Further, the CPC provides a specific mechanism for enforcement of a decree of injunction under Order XXI Rule 32 CPC. In the present case, the respondent-Society had already invoked the execution jurisdiction by filing E.P.No.27 of 2023 and had also filed E.A.No.119 of 2023 seeking police aid for implementation of the decree. The said application was dismissed on 17.02.2026, by the Executing Court holding that the remedy available to the decree-holder was under Order XXI Rule 32 CPC. The Society thereafter approached this Court in C.R.P.No.1316 of 2026, which was disposed of on 29.04.2026 granting liberty to file a fresh application before the Executing Court by bringing on record the relevant facts for seeking police protection. These facts demonstrate that respondent No.1-Society had already availed the remedy and had been permitted by this Court to pursue it further.

19. In these circumstances, the availability of the statutory execution remedy assumes particular significance. The extraordinary jurisdiction under Article 226 of the Constitution is discretionary and is not ordinarily intended to operate as a parallel

mechanism for enforcement of a civil decree where the decree-holder has already invoked the execution jurisdiction and has been granted liberty to pursue an appropriate application before the Executing Court. The mere fact that execution proceedings may take time cannot justify bypassing the procedure prescribed by law. Therefore, by the failure of the respondent-Society, in disclosing the entire sequence of events, the learned Single Judge did not have the opportunity to consider the effect of the pending execution proceedings, the earlier application for police aid, and the liberty granted in C.R.P.No.1316 of 2026 before granting the relief sought in the Writ Petition.

20. It is to be noted that a decree of injunction operates *in personam* and ordinarily binds only the parties against whom it is passed. The appellants were not parties to O.S.No.359 of 2001, nor were the defendants against whom the decree was passed. Therefore, the decree cannot be treated as an adjudication of their independent rights or be enforced against them so as to disturb their title or possession. By directing the police to enforce the said decree, the learned Single Judge in effect failed to consider the appellants' rights, which were never adjudicated in the said suit.

21. Moreover, the police protection for implementation of a decree cannot be used as a means to determine disputed title or possession of non-parties, nor can the police, under the guise of enforcing a

civil decree, be placed in a position of effectively displacing a non-party from possession without adjudication by a competent civil Court.

22. The reliance placed by respondent No.1 in ***P.R. Murlidharan*** (supra 9) is misplaced, as the said decision makes it clear that the writ jurisdiction of the High Court cannot be employed to adjudicate disputed civil rights under the guise of granting police protection. Where the very entitlement to possession is disputed, the Court must exercise caution so that an order for police protection does not indirectly result in adjudication of title or possession. The impugned order, therefore, warrants interference on this ground.

23. Further, the respondent-Society's contention that the appellants lack *locus standi* is misplaced. A person who was not a party to the suit may maintain an appeal where his rights are adversely and prejudicially affected by the impugned order, subject to obtaining leave of the Court. Under Clause 15 of the Letters Patent, an appeal lies to a Division Bench against a judgment of a learned Single Judge. The appellants claim title to and possession of the property comprised in Sy No.77 of Hafeezpet village to an extent of Ac.4-00 Gts and are directly and prejudicially affected by the direction to the police to enforce the decree which according to the appellants is capable of misused against them in view of the competing claims concerning land in Sy No.77 of Hafeezpet village.

We find considerable force in the contention of the appellants that the jurisdiction to enforce/execute a decree cannot be assumed by the writ Court without adjudication of the identity and boundaries of the land.

24. Further, the reliance placed by respondent No.1 on the aforesaid decisions are distinguishable on facts/circumstances and does not advance their case for the following reasons:

i) In ***H. Anjanappa*** (supra 3), the subsequent purchasers who had actively participated in the proceedings, had filed an application for impleadment which was rejected and failed to challenge the said rejection. They had purchased the property in clear violation of a subsisting temporary injunction. They thereafter remained silent for nearly eleven years and approached the High Court with a delay of 586 days. The finding that they were not *bona fide* purchasers was rendered in the backdrop of these peculiar circumstances. In the present case, the appellants were neither parties to O.S.No.359 of 2001 nor had notice of the proceedings and were never afforded an opportunity of hearing. Their claim of title and possession arises independently through the Assignment Deed of 2012 and Final Decree of 2014, and not through any transfer pendente lite in O.S.No.359 of 2001. The doctrine of *lis pendens* under Section 52 of the Transfer of

Property Act is therefore not attracted in the manner contended by Respondent No.1

ii) In ***Ruqia Fatima*** (supra 2), the appellants were not parties to the writ proceedings, the order sought to be challenged did not bind them, operate against them, or cause any direct prejudice to their rights, and therefore they could not claim the status of persons aggrieved. The present case stands on an entirely different footing. The impugned order in W.P. No.19060 of 2026 specifically directs the police to provide protection for enforcement of the decree in O.S.No.359 of 2001 against "anyone" interfering with such enforcement. Since the appellants are stated to be in possession of the subject property and assert an independent title thereto, the said direction directly exposes them to police action and threatens their possession and proprietary rights.

iii) In ***Ram Kishan Fauji*** (supra 6), the proceedings arose from a Lokayukta recommendation for criminal prosecution and registration of an FIR under the Prevention of Corruption Act. The present case, in contrast, concerns police aid for enforcement of an existing civil decree for permanent injunction in O.S.No.359 of 2001. Applying the principle of the "nature of the proceeding", the present proceedings are civil in substance, involving enforcement of civil rights and

not the initiation, investigation or prosecution of a criminal offence.

iv) In ***Kishore Singh*** (supra 5), the relief sought therein was investigation into a complaint and registration of a criminal case, which could culminate in a criminal trial and penal consequences. In the present case, no FIR, investigation or criminal prosecution is sought; the respondent No.1 merely seeks police aid for implementation of a subsisting civil decree. Thus, the nature of the relief and the rights sought to be enforced are fundamentally different.

v) In ***Basutkar Tara Bai*** (supra 4), the petition therein arose from complaints alleging threats to life and property and non-registration/slow investigation, in the absence of any civil decree in favour of the petitioners. In the present case, there is a subsisting decree for permanent injunction dated 29.08.2008 in O.S.No.359 of 2001, and the police aid sought is specifically in aid of its enforcement. Therefore, the present proceedings concern enforcement of a civil decree under the CPC and cannot be equated with proceedings seeking criminal investigation on the basis of alleged threats.

vi) ***S.J.S. Business Enterprises*** (supra 8) concerns with the issue of suppression of fact therein, which is prior to the filing of a civil suit and was held not to be material, particularly

since the suit had subsequently been withdrawn and the appellant was permitted to pursue the writ remedy. In the present case, respondent No.1-Society suppressed the material fact that its earlier application for the very same police aid (E.A.No.119 of 2023) had already been dismissed by the Executing Court and that it had been granted liberty in C.R.P.No.1316 of 2026 to pursue a fresh application before the said Court. The suppression, therefore, goes directly to the maintainability and propriety of the writ petition and the availability of an efficacious alternative remedy.

vii) In ***BSK Realtors*** (supra 7), the reliance was placed on ***Kunhayammed and Ors. v. State of Kerala and Anr.***[17] and the Doctrine of Merger, which are equally misplaced. Those principles concern the merger and finality of orders upon adjudication by a superior Court, whereas the order in C.R.P.No.1316 of 2026 was an interlocutory order granting the Society liberty to file a fresh application before the Executing Court and did not adjudicate its substantive entitlement to police aid. Thus, the present issue is not one of merger or *res judicata*, but whether respondent No.1-Society could bypass the forum expressly left open to it and invoke writ jurisdiction for the same relief, while suppressing the earlier dismissal and the liberty granted by this Court.

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[17] (2000) 6 SCC 359

viii) In ***Satyanarayana Tiwari*** (supra 11) the appellant therein was seeking police protection for a right to possession already protected by a subsisting injunction *vis-à-vis*, the respondents therein, which had been confirmed by the High Court in revision. In the present case, the appellants' claim independent title and possession in respect of a distinct and separate property, the identity of which property, was never adjudicated. The appellants were not parties to O.S.No.359 of 2001 which was filed by the respondent-Society seeking injunction in respect of another distinct property of which the respondent-Society claimed to be in possession. In such circumstances, the police protection cannot be granted in the absence of a conclusive determination about the identity of the property.

ix) In ***Hindustan Petroleum Corpn. Ltd.*** (supra 13), a learned Single Judge of this Court directed the police to provide protection to the petitioner-HPCL for implementation of a temporary injunction order. The Court held that as long as the injunction order is in force, the police are duty-bound to enforce it. In the present case, there is a judgement of this Court in OSA No.18 of 2004 and batch dated 17.02.2012, which held that respondent No.1-Society was never in settled legal possession of the property claimed and that Society has not obtained a final decree. Thus, the judgement of the

Hindustan Petroleum Corpn. Ltd. (supra 13) is distinguishable.

x) In ***A. Bharathi*** (supra 12), the police aid sought therein was for implementation of an injunction order against the parties to the proceedings which had been granted by the competent Civil Court and confirmed in revision. In the present case the appellants allege that under the guise of the enforcement of the decree against the respondents in the writ petition, the society's members effectively encroached into the land of the appellants. The impugned direction for police protection for enforcement of a decree has the potential to be used directly against persons who were not parties to the original suit and the writ petition.

xi) In ***Kotak Mahindra Bank Ltd***. (supra 10), the petitioner's right to possession had already crystalised through orders under the SARFAESI Act and subsequent directions of the High Court, and police aid was granted merely to implement those concluded orders. In the present case, respondent No.1 seeks to use police protection to enforce an injunction decree against the appellants despite their independent claim of title and possession and the pendency of execution proceedings, thereby raising disputed questions, which cannot be summarily determined in writ jurisdiction.

xii) In ***Sarawati Devi*** (supra 14), the issue was with regard to a fresh Execution Petition between the same decree-holder and judgment-debtor for a subsequent breach of a subsisting permanent injunction. The Hon'ble Supreme Court held that satisfaction of an earlier Execution Petition does not bar enforcement for a fresh breach. In the present case, the appellants are third parties to the decree, claiming independent title and possession, and the issue is not whether a decree-holder may initiate successive execution proceedings for subsequent breaches, but whether such decree can be enforced through police protection against persons who were not parties to the decree or the writ petition and whose independent rights were never adjudicated in the original suit. The respondent No.1-Society's earlier dismissal of E.A.No.119 of 2023 and the liberty granted in C.R.P.No.1316 of 2026 to approach the Executing Court further make the present dispute one concerning the propriety of invoking writ jurisdiction, rather than the maintainability of a fresh execution petition for a subsequent breach.

xiii) In ***Kommera Pramoda*** (supra 16), the third party therein was a mere stranger to the injunction suit and did not establish any independent title or right in the subject property. In the present case, the appellants claim independent title and

possession under the registered Assignment Deed dated 07.11.2012 and Final Decree dated 15.03.2014 in C.S.No.14 of 1958, and the impugned police-protection order directly threatens such possession. Therefore, the appellants are not persons suffering a remote or indirect prejudice, but persons whose existing legal and possessory rights are directly affected by enforcement of the decree against them.

xiv) In ***V.N. Krishna Murthy*** (supra 15), the appellants therein failed to demonstrate that the decree under challenge adversely affected any of their legal rights and the decree was not sought to be enforced against them. In the present case, respondent No.1-Society is seeking to enforce an injunction decree against non-parties who claim an independent title and possession over an extent of Ac-4-00 Gts in Sy No.77 of Hafeezpet village, through police protection. While the appellants accept that a decree in an injunction suit ordinarily operates *inter partes*, that very principle supports their case, as the decree cannot be used as a basis for coercive action against the appellants without first adjudicating their independent rights. Thus, the present case concerns direct prejudice arising from attempted enforcement against non-parties, unlike the circumstances in the aforesaid decision.

25. Further, the enforcement of a decree is a fundamental judicial function, typically carried out by Court Bailiffs. When a writ Court steps in to direct the police to directly enforce and execute a civil decree, the writ Court effectively shifts a regular civil procedure into an executive mandate. A direction to the police to execute the civil decrees would disrupt the well-established boundary between the civil Court enforcement and the State's executive machinery. The Civil Court possess specialized officers such as bailiffs and Shrestidars specifically trained to execute decrees under the CPC. By passing this machinery and directing police intervention turns a civil dispute into an executive order establishing a precedent where private law enforcement relies heavily on state might.

26. Tasking the police with enforcing private civil decrees- such as injunctions, evictions, property boundary disputes may result in bypassing substantive rights and legal remedies. Unlike the civil Court bailiffs, who act under the procedural restraints, the entry of the police changes the dynamics of the situation. Further when the police act a direct enforcement arm for a private decree holder, they loose their position as a neutral, objective state entity. The civil execution processes are deliberately structured to allow checks, balances and statutory appeals. When a writ Court issues a direct order to the police it creates an atmosphere of finality. It paralyzes the subordinate court's capacity to hear ongoing objections.

Conclusion

27. Further, this Court is of the considered view that the respondent-Society, failed to make a full and complete disclosure of the dismissal of its application for police aid by the executing Court and the subsequent filing of the revision petition and the liberty granted by this Court to file a fresh application, and has approached the Writ Court without disclosing the complete material facts of it, having already invoked the execution remedy. In the circumstances, the invocation of Article 226 of the Constitution of India as a parallel or substitute remedy for enforcement of the decree cannot be sustained, and the impugned order accordingly warrants interference by this Court.

28. For the foregoing reasons, the Writ Appeal is allowed. The order dated 27.07.2026 passed by the learned Single Judge in W.P.No.19060 of 2026 is hereby set aside. It is made clear that this judgment shall not preclude the respondent-Society from availing the remedy in accordance with law, including filing a fresh application for police aid before the Executing Court in E.P.No.27 of 2023, as per the liberty granted in C.R.P.No.1316 of 2026.

Miscellaneous applications, if any, pending in this writ appeal shall stand closed. No costs.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN,J

Date: 11.09.2026
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