

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

TUESDAY, THE TWENTY FOURTH 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 APPEAL NO: 1116 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order  
Dated 09/09/2024, in W.P. No. 24811 of 2024 on the file of the High Court.

**Between:**

Kavali Anjanyulu, S/o: Pentaiah, Aged about 43 years, Occ. Agriculture,  
R/o Chukkampet Village, Rajapur Mandal, Mahabubnagar District.

**...APPELLANT/PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Secretariat Building, Hyderabad.
2. The Director General of Police, Telangana State, Hyderabad.
3. The Superintendent of Police, Mahabubnagar, Mahabubnagar District.
4. The Deputy Superintendent of Police, Mahabubnagar Division, Mahabubnagar District.
5. The Station House Officer, Jadcherla Police Station, Mahabubnagar District.
6. Jawaji Rajeshwari, D/o: Shekar, Aged about 24 years, Occ. Housewife, R/o Dhonor Village, Mirjil Mandal, Mahabubnagar District.
7. Kammadanam Lingam, S/o: Kishtaiah, Aged about 40 years, Occ. Agricultural, R/o Raipally Village, Rajapur Mandal, Mahabubnagar District.
8. V. Parmesh, S/o: Shekar, Aged about 30 years, Occ. Employee, R/o Dhonor Village, Mirjil Mandal, Mahabubnagar District.
9. V. Shekar, S/o: Balaiah, Aged about 46 years, Occ. Business, R/o Dhonor Village, Mirjil Mandal, Mahabubnagar District.
10. V. Shivaneela, W/o: Shekar, Aged about 42 years, Occ. Housewife, R/o Dhonor Village, Mirjil Mandal, Mahabubnagar District.
11. V. Abhilash, S/o: Shekar, Aged about 30 years, Occ. Business, R/o Dhonor Village, Mirjil Mandal, Mahabubnagar 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 set aside the Impugned Notice dated 21/08/2024 and direct the respondent No.5 to issue the FIR and conduct the detail enquiry against the respondent Nos.6 to 11, who hatched a plan to grab the house of the petitioner and trespassed into the house of the petitioner situated at Srinivasanagar Colony, Jedchearla and created the panic situated and attacked on the petitioner and threatened with dire consequences pending disposal of the writ appeal.

**Counsel for the Appellant: SRI RAPOLU BHASKAR**

**Counsel for the Respondent Nos.1 to 5: SRI MAHESH RAJE, GP FOR HOME**

**Counsel for the Respondent Nos.6 to 11:----**

**The Court Delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.1116 of 2024**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Rapolu Bhaskar, learned counsel for the appellant.

Mr. Mahesh Raje, learned Government Pleader for Home Department for respondent Nos.1 to 5.

2. Heard on the question of admission.

3. This intra court appeal is filed against an order dated 09.09.2024 passed by the learned Single Judge in W.P.No.24811 of 2024, by which the writ petition preferred by the appellant has been disposed of with the liberty to avail the alternative remedy prescribed to the appellant under Section 200 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.').

4. Facts giving rise to filing of the appeal briefly stated are that the appellant claims to be the owner of subject property. The appellant had filed a complaint against respondent Nos.6 to 11. Respondent No.5 namely Station House Officer, Jadcherla Police Station, Mahbubnagar District after preliminary investigation held that the dispute between the parties is of civil in nature and a civil suit is pending between the parties. Thereupon, the appellant filed a writ petition. The learned Single Judge by an order dated 09.09.2024 held that the appellant has the remedy of filing a complaint under Section 200 of the Cr.P.C. Hence, this appeal.

5. Learned counsel for the appellant submits that the Station House Officer, Jadcherla Police Station, ought to have registered first information report and then should have conducted investigation.

6. Admittedly, it is not in dispute that the civil suit with regard to subject property is pending between the appellant and respondent Nos.6 to 11. On the basis of the preliminary enquiry, the Station House Officer, Jadcherla

Police Station has found that the dispute between the parties is of civil in nature. Therefore, in the facts and circumstances of the case, the appropriate remedy for the appellant is to file a complaint under Section 200 of the Cr.P.C., if so advised. No ground to interfere with the order passed by the learned Single Judge is made out.

7. Accordingly, the Writ Appeal is disposed of with the liberty to the appellant to take recourse to such remedy as may be available to him in law.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

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SD/-I. NAGALAKSHMI  
DEPUTY REGISTRAR  
SECTION OFFICER

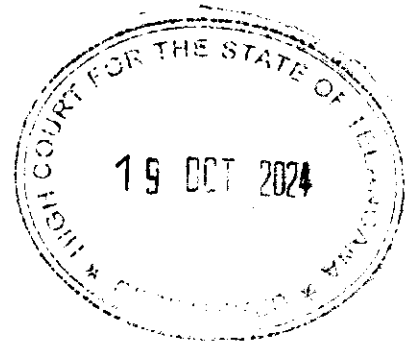
- To,
1. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
  2. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
  3. Two CD Copies

TJ  
GJP

K.P.

**HIGH COURT**

**DATED:24/09/2024**



**JUDGMENT**

**WA.No.1116 of 2024**

**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS**

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4/10/24.*