

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE SIXTEENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WP NO: 6681 OF 2026

Between

1. Mohammed Muzammil, S/o Late Md. Jahangeer Ali.
2. Ashraf Unnisa Begum, W/o Late Mohd Jahangeer Ali.
3. Mohmmmed Shameem Sultana, W/o Mohammed Muzammil.

...PetitionerS

AND

1. The State of Telangana, Rep. by Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad.
2. The District Registrar, Nagarkurnool District, Telangana State.
3. The Sub Registrar, Kalwakurthy, Nagarkurnool District, Telangana State.
4. The Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, Telangana State.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order/orders, or issue any direction/directions or appropriate writ more particularly in the nature of WRIT OF MANDAMUS declaring the action of Respondent No.4 issuing letter vide C.No.67/Cr-KKY/2024-25 dated 17/09/2025 to the Respondent No.3 to hold and not to register the Petitioners' properties, inturn the Respondent No.3 put the Petitioners' properties (1) Plot No.27, 28 total admeasuring 133.32 Sq. yards, Survey No.341/EE, situated at Thandra Village Shivar, Kalwakurthy, Nagarkurnool District, (2) Plot No.238, Survey No.342/A/AA/2, situated at Thandra Village Shivar, Kalwakurthv, Nagarkurnool District (3) Plot No.75, Survey No.257, 309, 310/AA, situated at Thandra Village Shivar, Kalwakurthy. Nagarkurnool District (4). Plot No.61, 205, Survey No.706/A/2/1/1/1/1/1/2, (5) Survey No.772 Flat No.120, in Kalwakurth Shivar, (6) Survey No.341/E/A Flat No. 147,148, in Tandra village (7) Survey No.770 Plot No.189/N in Kalwakurthi, (8) Survey No.510/EE Plot No.36/ C, in Veldanda Mandal, Kotra Village Limit in the name of his wife Shamim Sultana. (9) Survey No.187 Plot No.245/N in Balapur Limits. (10) In the name of his mother Ashraf Unnisa Begum, Survey No.767, 767/A4 Plot-No. 01. Document No. 2352/2021 in Kalwakurthy, 11, Survey No. 160P, Plot.No.23/N, Document No.12157/2023 in Balapur village. (12) Survey No.706/A/2/1/1/1/1/1/1/1/ 1/2/1/1, Plot

No.61205, Survey No.TT, Plot No.120/E/M, in prohibited list without obtaining permission from the Honourable Court and without following due process of law under Sec.107 BNSS, knowing well that the subject properties are not related to crime as illegal, arbitrary and unconstitutional, violation of Articles 14, 19, 21 & 300-A of Constitution of India consequently direct the official Respondents to withdraw the claim over the subject properties of Petitioners for attachment by way of issuing letter to the Respondents No.3 to revoke the attachments over the petitioners properties mentioned supra.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the letter vide C.No.67/Cr-KY/2024-25 dated 17/09/2025 issued by the Respondent No.4 pertaining to the Petitioners' properties (1) Plot No.27, 28 total admeasuring 133.32 Sq. yards, Survey No.341/ EE, situated at Thandra Village Shivar, Kalwakurthy, Nagarkurnool District, (2) Plot No.238, Survey No.342/A/AA/2, situated at Thandra Village Shivar, Kalwakurthy, Nagarkurnool District (3) Plot No.75, Survey No 257, 309, 310/AA, situated at Thandra Village Shivar, Kalwakurthy, Nagarkurnool District (4). Plot No.61, 205, Survey No.706/A/2/1/1/1/ 1 /1/2, (5) Survey No.772 Flat No.120, in Kalwakurth Shivar, (6) Survey No.341/ E/A Flat No. 147,148, in Tandra village (7) Survey No.770 Plot No 189/N in Kalwakurthi, (8) Survey No.510/EE Plot No.36/ C, in Veldanda Mandal, Korra Village Limit in the name of his wife Shamim Sultana. (9) Survey No.187 Plot No.245/N in Balapur Limits. (10) In the name of his mother Ashraf Unnisa Begum, Survey No.767, 767/A4 Plot No. 01. Document No. 2352/2021 in Kalwakurthy, 11, Survey No. 160P, Plot.No.23/N, Document No.12157/2023 in Balapur village. (12) Survey No.706/A/2/1/1/1/1/1/1/1/ 1/2/1/1, Plot No.61205, Survey No.TT, Plot No.120/E/M, pending disposal of WP No 6681 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the grounds filed in support thereof and upon hearing the arguments of Sri M A H Amjad Advocate for the Petitioners, Government Pleader for Stamps and Registration for the Respondent Nos 1 to 3 and Government Pleader for Home for Respondent No.4 and the Court made the following.

ORDER

Notice before admission.

Learned Government Pleader for Stamps and Registration takes notice on behalf of respondent Nos.1 to 3, and learned Government Pleader for Home takes notice on behalf of respondent No.4, waive further notices, and seek time to file their counter affidavits.

Registry is directed not to take out further notices to the respondents, in view of the above waiver.

Learned counsel for the petitioners submits that petitioner No.1 and his family members are the absolute owners and possessors of the subject property, having purchased the same through various registered sale deeds. While so, respondent No.4 registered a criminal case against petitioner No.1 vide FIR.No.278 of 2024, under Sections 420 & 406 IPC, and Section 5 of the Telangana Protection of Depositors of Financial Establishment Act, 1999. However, the ingredients of the said case are purely civil in nature, and they do not attract any sort of crime. Despite that, the Police addressed a letter dated 17.09.2025, requesting respondent No.3 to hold and not register the properties belonging to the petitioner and his family, which is wholly illegal and arbitrary, as there is no specific evidence that the properties were purchased from the outcome of the business. In fact, the petitioners run their business, by legitimately paying the GST and all other taxes. In spite of the same, respondent No.4 has addressed the impugned letter to respondent No.3, based on which, respondent No.3, who lacks and authority or jurisdiction, has seized transactions over the subject properties and included the same in the list of prohibited properties. It is further submitted that in view of the decision of the Division Bench of this Court dated 13.12.2021 in W.P.No.28463 of 2021 and batch, respondent No.4 has no power or authority to direct respondent No.3 not to entertain any documents for registration. Therefore, learned counsel seeks indulgence of this Court.

Learned Government Pleader appearing on behalf of respondent Nos.1 to 3, on instructions, submits that the present writ petition is filed challenging the letter dated 17.09.2025, addressed by respondent No.4 to respondent No.3, without any challenge to the notification issued by the Government, prohibiting the petitioners' properties from registration.

Learned Government Pleader for Home, appearing on behalf of respondent No.4, submits that the Police, Kalwakurthy, received a complaint from one Mr. Mohammed Sibhakathullah, stating that he had lent an amount of Rs.1,83,50,000/- to petitioner No.1 herein, for investment in R.C. Venture & Infra Project during 01.02.2023 and 26.09.2023, by collecting money from his friends (approximately 39 members), as he was assured by the petitioner that he would be paid double the amount within the agreed time. However, even after lapse of the said time and in spite of repeated requests, the amount was not

returned. Ultimately, a panchayat was held and the petitioner promised to return the amount by April or May, but did not honour the same till date. Hence, requested legal action against him. As such, respondent No.4 registered a case vide FIR.No.278/2024 under Sections 420 and 406 IPC and Section 5 of the Telangana Protection of Depositors of Financial Establishment Act, 1999. Further during the course of investigation, the accused/petitioner No.1 confessed that he had purchased the subject plots and houses in his name and in the name of his family members, with the money collected from the public. Therefore, respondent No.4 addressed a letter to respondent No.3, requesting to hold and not register the crime-involved subject properties in favour of any person, and to prohibit the registration and transactions over the properties until conclusion of criminal case.

The following is an excerpt from the decision of the Division Bench of this Court in W.P.No.28643 of 2021 & batch:

“10. No doubt, Section 102 of the Code provides assistance to the Investigating Officer to collect and collate evidence to be produced to prove the charge complained of and set up in the charge sheet. However, said provision does not show that a police officer can seize an immovable property. In fact, said provision is silent about the seizure of the immovable property by a police officer. Clause (3) of Section 102 makes it clear that where the property seized is such that it cannot be, conveniently transported to the Court or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same, which means thereby, the Investigating Officer cannot seize an immovable property. In the absence of specific power or authority on the part of the 4th respondent in issuing such letters to the respondent Nos.5-9, with a direction not to entertain any documents for registration in respect of the subject properties, the same are illegal, arbitrary and violative of principles of natural justice.”

(Emphasis supplied)

In view of the above, there shall be interim suspension of the letter bearing C.No.67/Cr-KKY/2024-25 dated 17.09.2025, issued by respondent No.4, in respect of the petitioners' properties. However, this order shall not preclude the authorities from taking action against the petitioners' properties, if they so desire, strictly in accordance with law.

Post this matter on 02.07.2026, for counter affidavit(s).

Sd/- T.SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Stamps and Registration Department, State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Nagarkurnool District, Telangana State.[By SPAD]
3. The Sub Registrar, Kalwakurthy, Nagarkurnool District, Telangana State.[By SPAD]
4. The Station House Officer, Kalwakurthy Police Station, Nagarkurnool District, Telangana State.[By SPAD]
5. One CC to Sri. M A H AMJAD Advocate [OPUC]
6. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
8. One spare copy

HIGH COURT

PK, J

DATED: 16-04-2026

POST ON 02.07.2026



ORDER

WP.No.6681 of 2026

INTERIM SUSPENSION