



2026:TSHC:5669-DB

[3488]

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

**MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARÈSH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 447 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 06/04/2026 passed in W.P.No.10025 of 2026 on the file of the High Court.

Between:

1. Naser Salahuddin Qureshi, S/o.W.A.Hussain, Aged about 68 Years, Occ ; Business, R/o. H.No.16-2-141/A/E, Malakpet, Hyderabad.
2. Donthineni Narayana Rao, S/o D. Kisen Rao, Aged about 62 years, Occ ; Business, R/o H.No.8-69/17/1, Dwarka Nagar, Uppal, Ranga Reddy District, Hyderabad - 500039.

.....APPELLANTS

AND

1. The State of Telangana, Rep. by its Principal Secretary (Home), Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderabad.
3. The Deputy Commissioner of Police, Shamshabad Zone, Hyderabad.
4. The Assistant Commissioner of Police, Shamshabad Division, Hyderabad.
5. The Station House Officer, Shamshabad, Hyderabad.
6. Sri Ram Avtar Singh, S/o. Devnath Singh, Aged about 68 years, Occ.Business, R/o. H.No.18-4-300, Aliabad, Hyderabad.
7. Mr,Khaja Ameenuddin, S/o. Late.Khaja Moinnuddin, Aged about 76 years, Occ. real estate business, R/o. Bhoodan Pochampally Town and Mandal, Yadadri Bhongir District.

.....RESPONDENTS



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I.A.NO:1 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 06-04-2026 passed in W.P.No.10025 of 2026 thereby by directing the respondent Nos.2 to 5, more particularly respondent No.5, to provide necessary police aid and protection to the petitioner for implementation of the decree of perpetual injunction dated 03-01-2023 in O.S.No.2272 of 2018 and to ensure that respondent Nos.6 and 7 and their men do not interfere with the peaceful possession and enjoyment of the petitioner over the subject land i.e., agricultural dry land admeasuring Ac.05.37 guntas, in Survey No.745, situated at Shamshabad Village and Mandal, Ranga Reddy District.

Counsel for Appellants : SRI. KATIKA RAVINDER REDDY

Counsel for Respondent Nos.1 to 5 : SRI MAHESH RAJE, AGP FOR HOME

Counsel for Respondent Nos.6 & 7 : --

The Court made the following: ORDER



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**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.447 of 2026

DATE: 20.04.2026

Between:

Naser Salahuddin Qureshi and another

....Appellants

And

The State of Telangana,
represented by its Principal Secretary
(Home) and 6 others

....Respondents

JUDGMENT

Heard Sri Katika Ravinder Reddy, learned counsel for the appellants and Sri Mahesh Raje, learned Government Pleader for Home appearing for respondent Nos.1 to 5 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 06.04.2026 passed by the learned Single Judge in W.P.No.10025 of 2026. By the said order, the learned Single Judge disposed of the underlying writ petition holding that the prayer for police aid to enforce a decree of perpetual injunction was not maintainable in writ jurisdiction, while granting liberty to the appellants to approach the competent civil Court.

Factual matrix

3. The appellants claim to be the absolute owners and possessors of agricultural dry land admeasuring Ac.5.37 Gts., in Sy.No.745, situated at Shamshabad Village and Mandal, Ranga Reddy District. Out of the said extent, appellant No.1 is stated to be the owner and possessor of Ac.2.3850 Gts, and appellant No.2 is the owner and possessor of an equivalent extent of Ac.2.3850 Gts.

4. The respondent Nos.6 and 7 herein (private respondents), who have no manner of right, title, or interest over the subject property, are alleged to have repeatedly attempted to interfere with the peaceful possession and enjoyment of the appellants. In view of such unlawful interference, the appellants filed O.S.No.2272 of 2018 on the file of the Court of the IV Additional Senior Civil Judge, Ranga Reddy District, seeking the relief of perpetual injunction. The said suit, after a full-fledged trial came to be decreed by Judgment and Decree dated 03.01.2023, whereby the private respondents were permanently restrained from interfering with the appellants' possession, which has attained finality and continues to subsist.

5. Alleging continued interference despite the decree, the appellants submitted representations dated 27.02.2026 and 07.03.2026 to the concerned police authorities seeking police aid and protection for effective implementation of the decree and to prevent breach of peace. Despite acknowledgment of the said representations, no action was taken by the police authorities.



Aggrieved thereby, the appellants invoked the writ jurisdiction of this Court by filing underlying writ petition seeking a writ of mandamus to direct the official respondents to extend police protection.

6. The learned Single Judge, by order dated 06.04.2026, placing reliance upon the decision in ***Kabbakula Padma v. State of Telangana***¹ held that a writ petition seeking police aid for enforcement of a civil Court decree is not maintainable unless the petitioner has first exhausted the remedies available under the Code of Civil Procedure, 1908 (CPC) before the competent civil Court or the executing Court, and accordingly disposed of the writ petition reserving liberty to the petitioners to avail appropriate remedies before the competent civil Court in accordance with law.

7. Aggrieved by the said order the appellant has preferred the present writ appeal.

Submissions on behalf of appellants

8. Learned counsel for the appellants, assailed the impugned order and has advanced his submissions as under:

- i) That the appellants are in possession of a valid, subsisting, and binding decree of perpetual injunction dated 03.01.2023 passed in O.S.No.2272 of 2018, which has attained finality. It is urged that the learned Single Judge failed to appreciate that the existence of a final decree, rendered after full-fledged trial,

¹ (2023) 1 ALT 765

stands on an entirely different footing from an ad-interim or interlocutory injunction granted during the pendency of proceedings.

- ii) That the rule of alternative remedy is not an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India. In circumstances where there is a clear failure on the part of statutory authorities to discharge their public duties like in the present case, the writ jurisdiction of this Court can be validly invoked.
- iii) That the relief sought in the writ petition is not for execution of the decree in terms of the provisions of the CPC, but for grant of police protection so as to prevent breach of law and order and to ensure that the decree is not rendered nugatory.
- iv) That the police authorities are under a statutory as well as Constitutional obligation to maintain law and order and to prevent breach of peace. Once a decree of injunction is in force, the police cannot remain passive or insist upon a separate order from a civil Court, and such inaction amounts to abdication of their statutory duty.
- v) That the learned Single Judge erred in placing reliance upon the judgment in **Kabbakula Padma** (supra 1), without appreciating that the said decision arose in the context of an ad-interim injunction in a pending suit, whereas the present



case concerns a concluded decree passed after full adjudication, which has attained finality.

- vi) That denial of police protection in the facts of the present case renders the decree illusory, defeats the administration of justice, and compels the appellants to undergo multiplicity of proceedings, thereby causing serious prejudice. In this regard, the reliance is placed on ***A. Bharathi v. State of Telangana and others***².

Submissions on behalf of the respondent Nos.1 to 5

9. Learned Government Pleader for Home appearing for respondent Nos.1 to 5 has advanced his submissions as under:

- i) That the appellants did not furnish any specific order from a competent civil Court directing the police authorities to extend protection for implementation of the decree dated 03.01.2023.
- ii) That in the absence of such a specific direction from a competent Court, the police authorities cannot legally provide protection, as enforcement of civil Court decrees is governed by the procedure prescribed under the CPC.
- iii) That the learned Single Judge was justified in holding that the writ petition is not maintainable and in relegating the appellants to avail appropriate remedies before the competent civil Court.

² 2017 (1) ALD 503

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

Consideration by this Court

11. The question that arises for consideration before this Court is whether a decree-holder, having obtained a decree of perpetual injunction, can bypass the remedies available under the CPC, and directly invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking police aid for implementation of such decree.

12. The CPC constitutes a complete and self-contained mechanism for the enforcement of decrees. Order XXI Rule 32 provides for the mode of execution of decrees for permanent injunction, enabling the decree-holder to seek attachment of property or detention of the judgment-debtor in civil prison for disobedience of the decree. The provision further empowers the executing Court to direct that the act required to be done may be carried out, including through the agency of the Court, at the cost of the judgment-debtor.

13. Additionally, Order XXXIX Rule 2A of the Code provides for consequences of disobedience or breach of an order of injunction, including attachment of property and detention in civil prison. It is also well settled that the civil Court, while exercising its jurisdiction in execution or otherwise, is competent to issue appropriate



directions, including for police aid, to ensure effective enforcement of its orders and to prevent obstruction or breach of peace.

14. The Hon'ble Supreme Court in **P.R. Muralidharan v. Swami Dharmananda Theertha Padar**³ has succinctly delineated the contours of the writ jurisdiction in matters concerning police protection. The Court observed:

17. A writ petition under the guise of seeking a writ of mandamus directing the police authorities to give protection to a writ petitioner, cannot be made a forum for adjudicating on civil rights. It is one thing to approach the High Court, for issuance of such a writ on a plea that a particular party has not obeyed a decree or an order of injunction passed in favour of the writ petitioner, was deliberately flouting that decree or order and in spite of the petitioner applying for it, or that the police authorities are not giving him the needed protection in terms of the decree or order passed by a court with jurisdiction. But, it is quite another thing to seek a writ of mandamus directing protection in respect of property, status or right which remains to be adjudicated upon and when such an adjudication can only be got done in a properly instituted civil suit. It would be an abuse of process for a writ petitioner to approach the High Court under Article 226 of the Constitution seeking a writ of mandamus directing the police authorities to protect his claimed possession of a property without first establishing his possession in an appropriate civil court. The temptation to grant relief in cases of this nature should be resisted by the High Court. The wide jurisdiction under Article 226 of the Constitution would remain effective and meaningful only when it is exercised prudently and in appropriate situations.

15. The aforesaid dictum makes a crucial distinction that where a decree or order exists, the decree-holder is not without remedy. The appropriate course is to seek enforcement before the civil Court which passed the decree or the executing Court. The writ Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution, does not ordinarily supplant or bypass the statutory

³ (2006) 4 SCC 501

remedies available under the CPC. Thus, the contention of the appellants that the relief sought is merely for police protection and not for execution of the decree does not merit acceptance, as such distinction that is sought to be drawn is, in substance, without any basis, inasmuch as the prayer, if granted, would result in enforcement of the decree through police intervention.

16. It is pertinent to extract the relief sought in the underlying writ petition:

“.....to direct the respondent Nos.2 to 5, more particularly respondent No.5, to provide necessary police aid and protection to the petitioner for implementation of the decree of perpetual injunction dated 03.01.2023 in O.S.No.2272 of 2018 and to ensure that respondent Nos.6 and 7 and their men do not interfere with the peaceful possession and enjoyment of the petitioner over the subject land i.e., agricultural dry land admeasuring Ac.05.37 guntas in Survey No.745, situated at Shamshabad Village and Mandal, Ranga Reddy District pending disposal of the above writ petition...”

17. The appellants contend that the decree dated 03.01.2023, being a final decree of perpetual injunction, stands on a different footing from an interim order and entitles them to police aid as a matter of course, cannot be accepted as the police are not the primary enforcement agency for civil decrees, the CPC vesting such



authority in the executing Court, with police aid being only ancillary and subject to the directions of the civil Court.

18. The learned Single Judge, by the impugned order exercised judicial discretion in declining to entertain the underlying writ petition and relegating the appellants to the civil Court. In a Letters Patent Appeal, interference with such discretion is warranted only where it is arbitrary, perverse, or contrary to settled law. The learned Single Judge considered the material facts such as the existence of a decree, the police authorities' stand that protection could not be extended in the absence of a specific court order and the fact that no steps were taken by the appellants before the civil Court for execution or police aid. In these circumstances, the exercise of discretion cannot be faulted, being reasoned and in accordance with law.

19. Further, the distinction sought to be drawn between interim and final decrees is of no consequence, as the CPC provides a complete mechanism for enforcement of all decrees, and the executing Court is competent to grant appropriate relief, including police aid. The reliance on **A. Bharathi** (supra 2) is misplaced, as that decision turned on exceptional facts, whereas in the present case the police have only insisted on a Court direction, which is neither unreasonable nor unlawful. The plea of multiplicity of proceedings and delay does not justify bypassing the statutory

remedy. The remedy under Order XXI Rule 32 CPC is efficacious, and mere inconvenience or delay cannot be a ground to invoke writ jurisdiction.

Conclusion

20. For the foregoing reasons, this Court is of the considered view that the learned Single Judge rightly declined to entertain the underlying writ petition, as police aid for enforcement of a decree cannot be sought under Article 226 without exhausting remedies under the CPC. The existence of a final decree does not justify bypassing the statutory mechanism, and no grounds are made out to interfere with the discretion exercised. The appellants are at liberty to approach the executing Court in O.S.No.2272 of 2018 for appropriate relief, including police aid, which shall be considered by the said Court expeditiously in accordance with law.

21. Accordingly, the Writ Appeal is dismissed.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

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**SD/-A.V.S. PRASAD
DEPUTY REGISTRAR**

SECTION OFFICER

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2. One CC to SRI KATIKA RAVINDER REDDY, Advocate [OPUC]
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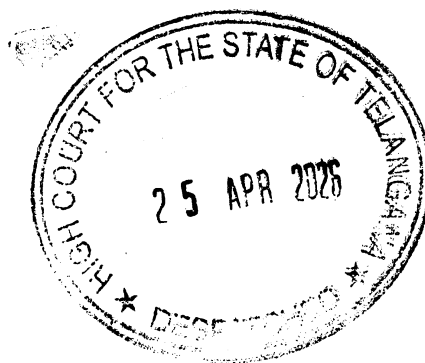
2026:TSHC:5669-DB

HIGH COURT

DATED: 20/04/2026

JUDGMENT

WA.No.447 of 2026



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