

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 18427 OF 2018

Between:

Reddam Narsimha Reddy, S/o. (Late) Narayana Reddy, aged 52 years, Occ-Employee in ITC PSPO, R/o. H.No.1-75/1, Near Petrol Bunk, Sarapaka, Burgampahad Mandal, Bhadradi Kothagudem District.

.....PETITIONER

AND

1. The Station House Officer, Burgampahad Police Station, Burgampahad, Bhadradi Kothagudem District.
2. The Superintendent of Police, Bhadradi Kothagudem District, Kothagudem.
3. Somu Pitchi Reddy, S/o. Venkateswara Reddy, aged 45 years, Occ-Employee in ITC PSPO, Rio. YSR Street, Sarapaka, Burgampahad Mandal, Bhadradi Kothagudem District.
4. Somu Adi Laxmi, W/o. Pitchi Reddy, aged 41 years, Occ- House Wife, R/o. YSR Street, Sarapaka, Burgampahad Mandal, Bhadradi Kothagudem District.
5. State of Telangana, Represented by its Principal Secretary, Home Department, Telangana Secretariat, Hyderabad.

.....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 issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents 1 and 2 in not registering the Complaint filed by the Petitioner dated 26-4-2018 against the unofficial respondents in demolishing the tinne sheet worth Rs.2 lakhs and entering into the premises and house bearing No.1-75/1 situated at Sarapaka village, Burgampahad Mandal, Bhadradi Kothagudem District and taking away iron pipes and sheet and other

property is illegal, arbitrary and in violation of Articles 300 (A) and 21 of the Constitution of India and consequently direct the Respondent No.1 forthwith to register FIR and to take stringent action against the unofficial respondents based on the complaint dated 26-4-2018.

I.A.NO:1 OF 2018

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 issue an interim direction directing the Respondents 1 and 2 forthwith to register FIR based on the complaint dated 26-4-2018 of the petitioner against the unofficial respondents and to take stringent action under criminal law pending disposal of the above writ petition.

Counsel for the Petitioner : SRI P.V.RAMANA

Counsel for the Respondent Nos.1, 2 & 5 : SRI D.PRADEEP, AGP FOR HOME

Counsel for the Respondent Nos.3 & 4 : --

The Court made the following ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No. 18427 OF 2018

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

"...to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the Respondents 1 and 2 in not registering the Complaint filed by the Petitioner dated 26-4-2018 against the unofficial respondents in demolishing the tinned shed worth Rs.2 lakhs and entering into the premises and house bearing No. 1-75/1, situated at Sarapaka Village, Burgampahad Mandal, Bhadradi Kothagudem District, and taking away iron pipes and sheet and other property is illegal, arbitrary and in violation of Articles 300(A) and 21 of the Constitution of India and consequently direct the Respondent No. 1 forthwith to register FIR and to take stringent action against the unofficial respondents based on the complaint dated 26-4-2018 and to pass such other order or orders..."

2. Learned counsel for the petitioner submits that, due to the inaction of respondent Nos. 1 and 2 in registering a crime based on the report filed by the petitioner dated 26.04.2018, the present writ petition has been instituted seeking appropriate directions from this Court.

3. Mr. D. Pradeep, learned Assistant Government Pleader for Home, appearing on behalf of respondent Nos. 1, 2, and 5, upon written instructions, submits that the concerned police authorities had received the petitioner's representation. However, considering that the dispute is civil in

nature and that the petitioner has already instituted a civil suit in O.S. No. 182 of 2015, which is presently pending adjudication, no further action was taken by the police authorities. Nevertheless, the respondents submit that they shall abide by any direction this Court may issue.

4. I have perused the material placed on record.

5. The essence of the petitioner's grievance is that, upon receipt of the written report, the concerned police failed to register a crime. From the pleadings, it is evident that the petitioner has not availed other statutory remedies provided under the Code of Criminal Procedure, 1973 ("Cr.P.C."), now replaced by the *Bharatiya Nagarik Suraksha Sanhita, 2023*, following the alleged inaction. The explanation offered by the respondents indicates that, upon considering the averments in the report, the police exercised their discretion in deciding not to register a case. If the petitioner was aggrieved by such action or inaction, the proper course would have been to pursue the remedies available under the Cr.P.C. The petitioner, however, chose not to avail such remedies.

6. The Hon'ble Supreme Court, in *Sakiri Vasu v. State of Uttar Pradesh & Others* (AIR 2008 SC 907) and *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387), has firmly settled the legal position that a writ petition under Article 226 of the Constitution of India seeking a direction for registration of a crime is not maintainable without first exhausting the

efficacious alternative remedies available under the Cr.P.C. In the absence of any extraordinary circumstances warranting interference under Article 226, this Court is not inclined to entertain the writ petition.

7. Accordingly, reserving liberty to the petitioner to avail appropriate remedies available under law, if the cause of action still survives, this Writ Petition stands disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

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SD/-MOMINA MEHAR
ASSISTANT REGISTRAR

SECTION OFFICER

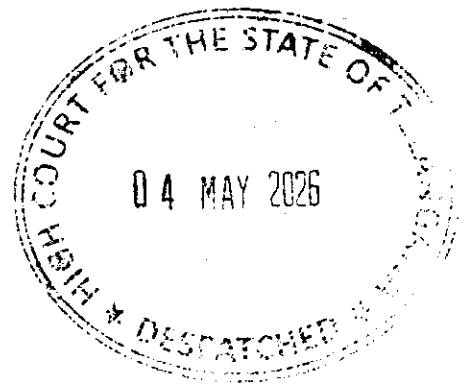
To

1. The Station House Officer, Burgampahad Police Station, Burgampahad, Bhadradri Kothagudem District.
2. The Superintendent of Police, Bhadradri Kothagudem District, Kothagudem.
3. The Principal Secretary, Home Department, Telangana Secretariat, State of Telangana at Hyderabad.
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI P.V.RAMANA, Advocate [OPUC]
6. Two CD Copies

SA
BS

HIGH COURT

DATED:13/11/2025



ORDER

WP.No.18427 of 2018

**DISPOSING OF THE W.P
WITHOUT COSTS.**

9 copies
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18/11/26