

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

MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

IA No. 1 OF 2025

IN

WP NOs: 32269, 32281, 32292, 32296, 32304 and 32339 OF 2025

IA No. 1 OF 2025 IN WP NO: 32269 OF 2025

Between:

Zaid Abdul Raheem, S/o Abdul Rizwan, Age. Minor, Occ. Student - Radiant High School, Musheerabad, Represented By. His Father, Abdul Rizwan, S/o. Abdul Raheem Late, Age. 41 years, Occ. Service, R/o. 1-6-93/1/3, Bharath Nagar, Musheerabad, Hyderabad, Telangana, 500020

...Petitioner

(Petitioner in WP 32269 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S, Hyderabad.
2. The Commissioner and Director of School Education, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State.
4. The Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Rep.By. its Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Office. 1-5-23, Musheerabad, Hyderabad

...Respondent/s

(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 in OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07-10-2025, pending disposal of WP No. 32269 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

IA No. 1 OF 2025 IN WP NO: 32281 OF 2025

Between:

Karthik Dilip Godhakiya, S/o Dilip Gopal Godhakiya, Age Minor, Occ. Student - Radiant High School, Musheerabad Represented By. His Father Dilip Gopal Godhakiya, S/o. Gopal Godhakiya, Age. 32 Years, Occ. Service, R/o. C/6, Jai Ganesh CHS, R. P. Nagar, 60 Feet Road, Dharavi, Mumbai, Maharashtra, 400017

...Petitioner/s

(Petitioner in WP 32281 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S Hyderabad.
2. The Commissioner and Director of School Education, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State.
4. The Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Rep.By. its Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Office. 1-5-23, Musheerabad, Hyderabad.

...Respondent/s

(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 In OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07-10-2025, pending disposal of WP No. 32281 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

IA No. 1 OF 2025 IN WP NO: 32292 OF 2025

Between:

Fouzia Begum, D/o Tahseen Begum, Age. Minor (14), Occ. Student - Radiant High School, Musheerabad. Represented By. Her Mother, Tahseen Begum, W/o. Mohammed Shareef Hussain, Age. 38 years, Occ. Service, R/o. 1-6-174/26, Zamistanpur, Musheerabad, Hyderabad-Telangana, 500020.

...Petitioner/s

(Petitioner in WP 32292 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S Hyderabad.
2. The Commissioner and Director of School Education, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State.

4. The Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Rep.By. it Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Office. 1-5-23, Musheerabad, Hyderabad.

...Respondent/s
(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 In OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07-10-2025, pending disposal of WP No. 32292 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

IA No. 1 OF 2025 IN WP NO: 32296 OF 2025

Between:

Shifa Khathoon, D/o Mohammed Shahadat Hussain Aged about Minor, Occ. Student - Radiant High School, Musheerabad. Represented By Her Father Mohammed Shahadat Hussain, S/o Not Mentioned Age 36 years, Occ Service, R/o 1-6-202/18/29, Bapuji Nagar, Musheerabad, Hyderabad, Telangana, 500020

...Petitioner/s
(Petitioner in WP 32296 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S Hyderabad.
2. The Commissioner and Director of School, Education, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State.
4. The Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Rep.By it Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar All Khan, Office 1-5-23, Musheerabad, Hyderabad.

...Respondent/s
(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 In OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07/10/2025, pending disposal of WP No. 32296 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

IA No. 1 OF 2025 IN WP NO: 32304 OF 2025

Between:

Hadiya Meher, S/o Abdul Shukoor, aged 9 years, Age. Minor, Occ. Student - Radiant High School, Musheerabad. Represented By. Her Father. Abdul Shukoor, S/o. Abdul Kareem, Age. 41 years, Occ. Service, R/o. 1-4-304/7, Siddiq Nagar, Bholakpur, Musheerabad, Hyderabad, Telangana, 500020

...Petitioner/s
(Petitioner in WP 32304 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S Hyderabad.
2. The Commissioner and Director of School Education,, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State.
4. The Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Rep.By. it Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Office. 1-5-23, Musheerabad, Hyderabad.

...Respondent/s
(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 in OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07-10-2025, pending disposal of WP No. 32304 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

IA No. 1 OF 2025 IN WP NO: 32339 OF 2025

Between:

Boyya Karthik,, S/o Boyya Venkatesh, Age. Minor, occ. Student - Radiant High School, Musheerabad, Age 7 Years. Represented By. His Father. Boyya Venkatesh, S/o. B. Kurumanna Age. 37 years, Occ. Service, R/o. 3-72, Rajupally Village, Narva Mandalam, Rajapalle, Patherched, Mahabubnagar, Telangana, 509353

...Petitioner/s
(Petitioner in WP 32339 OF 2025
on the file of High Court)

AND

1. The State of Telangana, Represented by its Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, T.S Hyderabad.
2. The Commissioner and Director of School Education,, Government of Telangana, Hyderabad.
3. The District Educational Officer, Hyderabad, Telangana State..

4. The Iman - E- Zamana Mission,, (A registered Charitable and Educational Society), Rep.By. it Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Office. 1-5-23, Musheerabad, Hyderabad.

...Respondent/s
(Respondents in-do-)

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 pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No.982/2024 In OS No.2696/1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the EP proceedings dated 07-10-2025, pending disposal of WP No. 32339 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Subramanyam Daraboina, Advocate for the Petitioner and GP FOR EDUCATION for the Respondent Nos. 1 to 3.

**The Court made the following
ORDER:**

I.A.No.01 of 2025

in

W.P. Nos.32269, 32281, 32292, 32296, 32304 and 32339 of 2025

Heard Sri Subramanyam Daraboina, learned counsel appearing on behalf of the petitioners and the learned Government Pleader for Education appearing on behalf of the respondent Nos.1 to 3.

**The petitioners approached the Court seeking prayer as under in the present
I.A.Nos.01 of 2025:-**

“.....to pass Interim Order by suspending the Operation of eviction Warrant, orders issued as a consequence of Allowing E.P.No. 982/2024 in OS No. 2696/1997 on the file of Hon'ble VII Junior Civil Judge, City Civil Court, Hyderabad and further stay the E.P proceedings dated 07.10.2025 pending disposal of the Writ Petition pending disposal of the above writ petition and to pass....”

It is the specific case of the petitioner that the present writ petition filed by the representative i.e., parent of student attending the School i.e., M/s. Radiant High School, Musheerabad operating in the Suit Schedule property in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad owned by the 4th respondent herein, and the 4th respondent had obtained a civil decree in his favour and subsequently, the 4th respondent had filed E.P.No.982 of 2024 which was allowed, in 4th respondent's favour resulting in a final order, dated 07.10.2025 directing immediate eviction. Aggrieved by the said final order, dated 07.10.2025 passed in E.P.No.982 of 2024 on the file of the VII Junior Civil Judge City Civil Court, Hyderabad, the present writ petition is filed by a parent, on the grounds of flagrant violation of the fundamental rights guaranteed under Article 21 (Right to Life and Personal Liberty) and Article 21-A (Right to Education) of the Constitution of India.

PERUSED THE RECORD:-

It is an admitted fact that the school currently accommodates around 750 students, aged between 4 to 16 years, whose academic year 2025-26 is ongoing and is scheduled to conclude on 30.06.2026.

A bare perusal of the record indicates a detailed representation, dated 14.10.2025 of the parents addressed to the 2nd respondent herein seeking 2nd respondent intervention to protect the fundamental Right to Education of the students following the impugned final order, dated 07.10.2025 in E.P.No.982 of 2024 in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad, which had even been acknowledged by the 2nd respondent on 16.10.2025 itself.

A bare perusal of the record further indicates that the judgment debtor i.e., the defendant in the suit O.S.No.2696 of 1997 filed by the 4th respondent herein on the file of the VII Junior Civil Judge, City Civil Court, Hyderabad in E.P.N.982 of 2024 in O.S.No.2696 of 1997, specifically averred at para No.4 of the said counter affidavit as under:-

“ I further mention that, the written compromise proposal was made with an intention to vacate the premises owned by the plaintiff's which contained three specific conditions to address the dispute and settle down. The proposal was specifically made to protect the interest of the students who are perusing their education as the rented premises is only used as school and for school operations, neither the Plaintiff's nor Defendant stay in the subject rented premises. The copy of the compromise proposal is annexed herewith for the perusal of this Hon'ble Court. I request this Hon'ble Court to allow me to read the compromise proposal and treat the same as part of this counter.

The Division Bench of the Apex Court in a judgment dated 20.04.2021 reported in (2021) 6 SCC 771 in M/s. Radhakrishnan Industries Vs. State of Himachal Pradesh, referred to Whirlpool Corporation Vs. Registrar of Trade Marks (reported in (1998) 8 SCC 1) and further the said view had been reiterated by a Full Bench of the Apex Court (3 Judges) in a judgment reported in (2021) SCC Online SC page 801 in Magadh Sugar and Energy Limited Vs. State of Bihar and Others dated 24.09.2021 and in the said judgment it is observed at para No.28 as under :

“20. This Court has observed: (Radha Krishna Industries Case, SCC P.795, para 27)

“27. The principles of law which emerge are that:

- (i) The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well;
- (ii) The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person;

- (iii) Exceptions to the rule of alternate remedy arise where (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged;
- (iv) An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law;
- (v) When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion; and
- (vi) In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with."

This Court opines that the facts of the present case and the material on record clearly indicates that the present case falls under Clause (i) and first limb of clause (iii) and also clause (iv).

A five judges Bench of the Apex Court in its judgment, dated 03.01.2023 in Kaushal Kishor Vs State of Uttar Pradesh and Others reported in 2023 LiveLaw (SC) 4, held that a fundamental right under Article 19 or 21 can be enforced even against persons other than the State or its instrumentalities.

This Court opines that a dispute between a landlord and a tenant should not adversely impact 750 innocent students and the State and the Education Department have an obligation to safeguard the interest of children and provide educational access and to ensure continuity of schooling, and it is further state's duty to protect Education as envisaged under Directive Principles of State Policy under Article 38, 39(F), 41, 45 and 46, in the present case, admittedly as borne on record, no steps had been initiated by the 2nd respondent in the said direction and the sudden eviction by virtue of the order impugned disrupts the education of the petitioner herein under Article 21-A of the Constitution of India and also petitioner's right to life and personal Liberty under Article 21 of the Constitution of India.

Taking into consideration:-

- a) The aforesaid facts and circumstances of the case.
- b) The submissions made by the learned counsel appearing on behalf of the petitioner and learned Government Pleader for Education appearing on behalf of the respondent Nos.1 to 3.

- c) The averments made in the affidavit filed by the petitioner/parent in support of present writ petition
- d) The final order, dated 07.10.2025 in E.P.No.982 of 2024 in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad
- e) The representation, dated 14.10.2025 of the parents of the children studying in Radiant High School, Musheerabad addressed to the 2nd respondent herein, dated 14.10.2025 which had been acknowledged by the 2nd respondent on 16.10.2025, but the failure on the part of the 2nd respondent to discharge its duty to affirmatively protect the rights of the 750 students under Article 21 of the Constitution.
- f) The State duty to protect education and safeguard the interest of children and ensure educational access to children
- g) The averments made at para No.4 of the counter affidavit filed by the judgment debtor in E.P.No.982 of 2024 in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad indicating the settlement proposal put forth by the judgment debtor for consideration by the decree holder i.e., 4th respondent herein and also the Court below(referred to and extracted above)
- h) The hardship being meted out to the petitioner herein by virtue of the final order, dated 07.10.2025 passed in E.P.No.982 of 2024 in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad
- i) The observations in the Judgments of the Apex Court (referred to and extracted above) and again enlisted below:-
i) (2021) 6 SCC 771
ii) 2023 Live Law (SC) 4

There shall be stay of all further proceedings in pursuance to the final order, dated 07.10.2025 passed in E.P.No.982 of 2024 in O.S.No.2696 of 1997 on the file of VII Junior Civil Judge, City Civil Court, Hyderabad till 11.11.2025.

W.P. Nos.32269, 32281, 32292, 32296, 32304 and 32339 of 2025

Learned counsel appearing on behalf of the petitioners is permitted to take out personal notice to the respondent No.4 and file proof of service of notice upon the respondent No.4 into the Registry by the next date of hearing.

List all the matters on 04.11.2025.

//TRUE COPY//

SD/-A.SRINIVASA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The VII Junior Civil Judge, City Civil Court, Hyderabad. **(SPECIAL MESSANGER)**
2. The Principal Secretary, Education Department, Dr B.R. Ambedkar Secretariat, State of Telangana, Hyderabad.
3. The Commissioner and Director of School Education, Government of Telangana, Hyderabad.
4. The District Educational Officer, Hyderabad, Telangana State.
5. The Secretary, Mir Ahmed Ali Khan, S/o. Mir Asghar Ali Khan, Iman - E- Zamana Mission, (A registered Charitable and Educational Society), Office. 1-5-23, Musheerabad, Hyderabad.

(For 2 to 5 By SPEED POST)

6. One CC to Sri Subramanyam Daraboina, Advocate [OPUC]
7. Two CCs to GP for Education, High Court at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

SN,J

DATED:27/10/2025

LIST ON 04.11.2025.



ORDER

IA No. 1 OF 2025

IN

WP NOs: 32269, 32281, 32292, 32296, 32304 and 32339 OF 2025

STAY