

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

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

**WRIT PETITION NO: 32191 OF 2025**

**Between:**

M/s. Hilltop Service Station, Partnership Firm Regd., under Partnership Act, 1932, Rep. by its Managing Partner, Mohammed Khalaid Shareef, S/o. Late Sri Ismail Shareef, Aged about 63 years, Occ: Business, Office at: D-No. 5-3-297, Ghoshamahall, Hyderabad - 500 012

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by Principal Secretary Health, Medical and Family Welfare, Department, Dr. B.R. Ambedkar Secretariat, Hyderabad
2. The State of Telangana, Rep. by Principal Secretary Home Department, Dr. B.R. Ambedkar Secretariat, Hyderabad
3. The Engineer-in-Chief, Roads and Buildings Department O/o. Engineer-in-Chief, Roads and Buildings, Erramanzil, Hyderabad.
4. The Executive Engineer, Roads and Buildings Department, O/o. 9FMC+9FF, Pratap Nagar, Goshamahall, Nampally, Hyderabad, Telangana 500001
5. The Director General of Police, The State of Telangana, Police Headquarters, Khairatabad, Hyderabad.
6. The Commissioner of Police, Hyderabad City, Road No. 12, Banjara Hills, Hyderabad.
7. The Deputy Commissioner of Police, South-West Zone, Hyderabad City, Besides: Pillar No. 6, PVNR Expressway, Besides: Rythu Bazar, Mehdiapatnam, Hyderabad
8. The Asst. Commissioner of Police, Ghoshamahall Division, Hyderabad City, Beside: Shahinayathgunj Police Station, Begumbazar Road, Ghoshamahall, Hyderabad.
9. The Station House Officer, Shahinayathgunj Police Station, Begumbazar, Ghoshamahall, Hyderabad.
10. The Land Acquisition Officer, cum Revenue Divisional Officer, Nampally Division, Hyderabad.

11. M/s. Indian Oil Corporation Ltd., Rep. by its Deputy General Manager (Divisional Retail Sales Head) Secunderabad Division, D-No. 7-2-1816, Erragadda, Sanath Nagar, Hyderabad - 500 018
12. The Executive Director, M/s. Indian Oil Corporation Ltd., Office at: D-No. 7-2-1816, Erragadda, Sanath Nagar, Hyderabad - 500 018
13. Megha engineering and infrastructures limited, Rep. by its Managing Director-cum-Head of Projects / Commercial, Regd. Office at: S-2, Technocrat Industrial Estate (T.I.E.), Balanagar, Hyderabad, Telangana - 500 037

### ...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 Writ, order or orders or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents, more particularly, respondent nos 3 and 4 at the behest of the respondent nos. 5 to 9, are trying to interfere and disposes the petitioner from its peaceful possession and enjoyment of its petroleum retail outlet premises bearing No. 5-3-297 to an extent of 1479 sq. yards situated and adjacent to Police Quarters, Ghoshmahal, Hyderabad without following due process of law, though the suit being O.S. No. 50 of 2025 is pending on the file of the XIV Addl. Chief Judge City Civil Court, at Hyderabad for eviction filed by the respondent no. 9 against the petitioner and restraint orders dated 29-01-2025 in W.P. No 2635 of 2025 and orders dated- 28-05-2025 in W.P. No. 15229 of 2025 are in operation against the respondents 5 to 9 restraining their hands in interfering with the peaceful possession and enjoyment of the petitioners subject premises is being, arbitrary, illegal, unjust, violation of the Principles of Natural Justice, without jurisdiction, besides being violation of Article 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents forthwith not to interfere with the peaceful possession and enjoyment of the petitioner its petroleum retail outlet bearing no. 5-3-297 to an extent of 1479 sq. yards situated and adjacent to Police Quarters, Ghoshmahal, Hyderabad

without following . due process of law till disposal of the suit being O.S.No. 50 of 2025, which is pending on the file of the Learned XIV Addl. Chief Judge, City Civil Courts, at: Hyderabad.

**IA NO: 1 OF 2025**

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 direct the respondents not to interfere and dispossess the petitioner peaceful possession and enjoyment of its petroleum retail outlet bearing No. 5-3-297 to an extent of 1479 sq. yards situated adjacent to Police Quarters, Ghoshamahahal, Hyderabad without following due processes of law.

**Counsel for the Petitioner: SRI BONDEMPALLY RAMULU**

**Counsel for the Respondent No.1: GP FOR MEDICAL, HEALTH AND  
FAMILY WELFARE**

**Counsel for the Respondents No.2, 5 to 9: GP FOR HOME**

**Counsel for the Respondent No.3 & 4: GP FOR ROADS & BUILDINGS**

**Counsel for the Respondent No.10: GP FOR REVENUE**

**Counsel for the Respondent No.11 & 12:  
S.C. FOR INDIAN OIL CORPORATION LTD.,**

**Counsel for the Respondent No.13: --**

**The Court made the following: ORDER**

Sign

**THE HON'BLE SRI JUSTICE NAGESH BHIMAPAKA****WRIT PETITION No.32191 of 2025****ORDER:**

The petitioner is aggrieved by the actions of respondents No. 3 and 4 (at the behest of respondents No. 5 to 9) in attempting to interfere with his peaceful possession and enjoyment of the petroleum retail outlet premises bearing No. 5-3-297, admeasuring 1479 square yards, situated adjacent to the Police Quarters, Ghoshamahall, Hyderabad, without following due process of law. It is his case that respondent No. 9 has filed a suit, O.S. No. 50 of 2025, on the file of the XIV Additional Chief Judge City Civil Court, Hyderabad, for his eviction. Restraining orders dated 29.01.2025 in W.P. No. 2635 of 2025 and 28.05.2025 in W.P. No. 15220 of 2025 are in operation against respondents No. 5 to 9. Therefore, the petitioner seeks a direction to the respondents not to interfere with his peaceful possession and enjoyment of the premises until the disposal of O.S. No. 50 of 2025 by the trial court.

2. Heard Mr. B. Ramulu, learned counsel for the petitioner; the learned Government Pleader for Home; and the learned Government Pleader for Roads and Buildings. Perused the record.

3. Learned counsel for the petitioner, while admitting that the petitioner does not presently hold any contractual lease with respondents No. 11 and 12 – Indian Oil Corporation – to operate the petroleum retail outlet premises, contends that the petitioner is a third party not connected with Indian Oil Corporation and that he was a sub-lessee. Learned counsel further contends that, even assuming the petitioner is an encroacher, the proper course for the

respondent authorities is to approach a civil court to evict him, and that the authorities cannot interfere with his possession by any other means.

4. Learned Standing Counsel for the respondent–Indian Oil Corporation contends that the lease with respect to the subject premises expired in 2023 (vide proceedings dated 23.12.2023), and that the petitioner is neither a lessee nor an authorized person to operate a business in the said premises. The Standing Counsel further submits that even the petitioner's own case is that he is a sub-lessee in the subject premises. He contends that the petitioner cannot continue in the premises or take recourse to civil proceedings to unlawfully retain possession of the property without authorization.

5. Having considered the respective contentions and perused the record, this Court notes at the outset that it is an admitted fact that the petitioner is a sub-lessee in the subject premises and has no authorization to be or to operate the petroleum outlet therein. Furthermore, the lease expired in 2023, i.e., two years ago. That being the case, the petitioner's contention that the Indian Oil Corporation or the respondent authorities must approach the civil court for his eviction, and that they cannot interfere with his possession, cannot be countenanced. The petitioner has no authorization from the respondent–Indian Oil Corporation to operate the business in the subject premises, and being a sub-lessee does not confer any residual rights to retain possession when there is no recognized or authorized right to occupy the premises. It is a settled principle of law that what cannot be done directly under law cannot be done indirectly by circumventing it. In that view of the matter, this Court finds no merit in the writ petition.

6. At this stage, learned counsel for the petitioner requests some time to vacate the premises on the ground that certain furniture and material

belongings remain therein. However, as noted above, the lease expired in 2023, and the petitioner has remained in occupation for over two years without any form of authorization or permission. Two years is more than sufficient time to vacate the premises. Therefore, permitting the petitioner to continue any further would amount to perpetuating an illegality.

7. Accordingly, the writ petition is dismissed, with a direction to the petitioner to vacate the subject premises and remove all his belongings within one week from the date of receipt of a copy of this order. No costs. The respondent authorities are at liberty to take appropriate steps to evict the petitioner from the subject premises in case of delay. Miscellaneous petitions, if any, shall stand closed.

Sd/- K. MADHAVI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

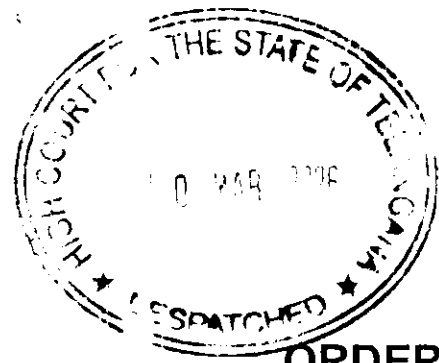
1. One CC to SRI BONDEMPALLY RAMULU, Advocate [OPUC]
2. Two CCs to GP for Medical, Health and Family Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP for Roads & Buildings, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Standing Counsel for Indian Oil Corporation Ltd., [OPUC]
7. Two CD Copies

MP/DAN



**HIGH COURT**

**DATED:24/10/2025**



**ORDER**

**WP.No 32191 of 2025**

**DISMISSING THE WRIT PETITION  
WITHOUT COSTS**

13 MT  
24/12/26