

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15296 OF 2005

ORDER:

This writ petition is filed challenging the orders dated 11.07.2005 and 08.07.2005, passed by the 1st respondent-Mandal Revenue Officer in Ref.B/620/2005.

When the matter came up for hearing, this Court granted interim stay of operation of the orders dated 08.07.2005 and 11.07.2005, passed by the first respondent-Mandal Revenue Officer.

Though the writ petition is of the year 2005, no counter-affidavits have been filed by the respondents denying the specific allegations and averments made by the petitioner that the issuance of proceedings under Section 145 Cr.P.C during the course of pendency of the civil suit in O.S.No.739 of 2005 on the file of IV Additional Junior Civil Judge, Rajahmundry are totally unsustainable. It is also averred that there was an interim order passed in favour of the petitioner by the Court below in I.A.No.830 of 2005 in O.S.No.739 of 2005 and it is still subsisting.

Heard Sri T.V.S. Prabhakara Rao, learned counsel for the petitioner, the learned Government Pleader for Revenue (AP) and Sri Pottigari Sridhar Reddy, learned counsel for the respondents 2 and 3.

Learned counsel for the petitioner submits that the interim order granted in favour of the petitioner is still subsisting and the suit is pending and though the writ petition was filed in the year 2005, no counter-affidavits are filed by the respondents-authorities so far and hence prays to allow the writ petition as prayed for.

Having regard to the facts and circumstances of the case and especially in view of no counter-affidavits are filed by the respondents-

Accordingly, the writ petition is allowed quashing the proceedings dated 08.07.2005 and 11.07.2005, issued by the respondents-authorities under Section 145 Cr.P.C. However, it is made clear that the rights of the parties shall be governed by the litigation pending in civil courts between the parties. No order as to costs.

CHALLA KODANDA RAM,J

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Date:27.10.2015

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