

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE NO.1317 OF 2014

ORDER:

1. This revision case is filed by the petitioner aggrieved by the proceedings dated 21.4.2014 issued by the Tahsildar and Mandal Executive Magistrate, Piduguralla in R.C.No.414 of 2014-B.

2. There was a dispute between Palnedi Siva Parvathi and her relatives viz., Kurapati Latchaiah and Vejendla Pandu Rangarao with regard to ownership of a vacant house site. In that connection, on the complaint lodged by the said Siva Parvarthi, a case was registered against the said Latchaiah and Pandu Ranga Rao. After completion of the investigation, charge sheet was also filed against them. While so, on the ground that the Village Revenue Officer reported that there would be likelihood of breach of peace in the village and confrontation between the two groups due to the dispute over the land in question, the Mandal Executive Magistrate, Piduguralla issued the impugned proceedings. Aggrieved by the same, the petitioner filed this petition.

3. Learned Counsel for the petitioner submitted that there is a civil dispute between the parties with regard to the land in question and further, the proceedings were issued without conducting any enquiry and without hearing both the parties.

4. Considering the facts and circumstances of the case, this Court is of the view that the procedure adopted by the Mandal Executive Magistrate for issuing the proceedings under challenge is not in accordance with law. The Executive Magistrate should have called both the parties and conduct enquiry and pass appropriate orders. Therefore, the proceedings under challenge are liable to be set aside.

5. Accordingly, the Criminal Revision Case is allowed setting aside the proceedings

impugned herein. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 10.6.2015

Nn.

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