

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.12597 of 2012

Date: 27-10-2015

Between:

Yenugupalli Pallayya

.... Petitioner

AND

The District Collector, Kakinada, East Godavari
District and 4 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.12597 of 2012

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Perused the record.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the order dated 04-06-2012 in Ref.E5/2953/ 1994 passed by the 1st respondent confirming the order dated 09-04-2012 in M.C.No.3 of 2012 of the 2nd respondent as illegal and arbitrary.

Initially, the writ petition was filed questioning the order of the Mandal Executive Magistrate, Rowthulapudi in M.C.No.3 of 2012 dated on 09-04-2012. On 27-04-2012, the Hon'ble Court while issuing Rule Nisi, directed the 1st respondent to consider the application of the petitioner dated 11-04-2012 and pass appropriate orders in accordance with law within three days from the date of receipt of the order. Pursuant to the said orders, the District Collector considered and rejected the representation of the

petitioner vide orders dated 04-06-2012. Thereafter, the petitioner filed WPMP.No.28325 of 2012 seeking amendment of the prayer as mentioned in the affidavit filed in support of the petition.

A perusal of the averments made in the writ affidavit would reveal existence of a dispute in respect of the land admeasuring Ac.54.34 cents in Survey No.66/2 of Namagiri Narendrapatnam, Rowthulapudi Mandal since last 30 to 40 years and various civil and criminal cases are pending between the parties, apart from the proceedings under Section 107 Cr.P.C. The material further show that when both S.C. and B.C. community people tried to enter into the land, a law and order problem arose between the two groups resulting in both the groups receiving grievous injuries and cases in Crime No.14 of 2010 and Crime No.15 of 2010 came to be registered by Tuni Rural Police Station. It is to be noted that Tuni Rural Police Station also registered a case in Crime No.18 of 2010 under Section 107 Cr.P.C. before the Sub-Divisional Magistrate and Revenue Divisional Officer, Peddapuram in which both the parties were bound over. Having regard to the situation, the proceedings under Section 144 Cr.P.C. were initiated prohibiting both the parties from entering into the lands in dispute, so as to maintain law and order in the village. Challenging the said orders of the Mandal Executive Magistrate, Rowthulapudi, the present writ petition came to be filed.

The orders passed by the District Collector, Kakinada, East Godavari District in Ref.No.E5/2953/1994, in rejecting the representation of the petitioner is not the subject matter of challenge. The orders of the District Collector revealed existence of a dispute over the land in Survey No.66/2 between both the parties, who were trying to enter into the land to take away the usufruct of trees. As there was a possibility of breach of peace in the village, besides law and order situation, the Mandal Executive

Magistrate, Rowthulapudi initiated proceedings under Section 145 Cr.P.C. restraining both the parties from entering into the lands in dispute until further orders. It is to be seen that the prohibitory orders issued under Section 144 Cr.P.C., which is subject matter of challenge in the present writ petition, would be in force only for two months i.e. till 08-06-2012. Therefore, at this point of time, this court is of the opinion that no cause of action survives in the present writ petition, since any orders passed under Section 144 Cr.P.C. would be in force for a period of two months only.

In the above circumstances, the cause in the writ petition does not survive any more.

Accordingly, the writ petition is closed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 27-10-2015
Ksn