

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.2415 of 2013

ORDER:

This Criminal Revision Case is filed questioning the correctness of the order of the Executive Magistrate-cum-Tahsildar, Nallabelly Mandal, Warangal District, dated 25.09.2013 passed in Rc.No.B/1119 of 2013, whereby the learned Executive Magistrate directed the parties i.e., revision petitioners and the 2nd respondent herein not to enter into the disputed land in Sy.No.137 1/5 to an extent of Ac.1.00 guntas situated at Relakunta village, personally or with the followers till the title is decided by the learned Junior Civil Judge, Narsampet in O.S.No.80 of 2009.

Brief facts of the case are that the 1st petitioner herein filed O.S.No.80 of 2009 before the Junior Civil Judge, Narsampet, against the 2nd respondent herein and his father for permanent injunction restraining them from interfering with her peaceful possession over the aforesaid property. Along with the said suit, the 1st petitioner filed I.A.No.202 of 2009 for temporary injunction, which was dismissed by the trial Court vide order dated 15.09.2009. Aggrieved by the said order, the 1st petitioner filed C.M.A.No.91 of 2009 before the appellate Court and the same was allowed by order dated 31.12.2011 and the matter was remanded to the trial Court for fresh disposal.

Having heard the learned Counsel appearing on either side and upon perusing the entire material available on record, this Court is of the considered view that the right and entitlement of the parties to be in possession of the land in dispute is the subject matter of O.S.No.80 of 2009. In view of the orders of the appellate Court, the impugned order of the Executive Magistrate cannot be sustained.

Accordingly, the Criminal Revision Case is allowed. The

impugned order dated 25.09.2013 is set aside.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

26-08-2015

Gsn