

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35744 OF 2012

ORDER:

This petition is filed for a writ of *Mandamus* directing the 1st respondent to forthwith pass appropriate orders in pursuance to the requisition of the 3rd respondent dated 14.11.2012 for issuance of Sec.145, Criminal Procedure Proceedings to maintain law and order, in respect of land in Sy.No.264 and 265 to an extent of Ac.7.04 guntas of Khanapur Haveli, Khammam Urban Mandal, which is notified as Wakf property of Darga Hazarat Moula Taleem having Darga shrine admeasuring Ac.0.29 guntas, and attached land property to an extent of Ac.7.04, in Sy.Nos.264 and 265.

The 5th respondent in the affidavit filed in support of implead petition has stated that the Secretary, Managing Committee of the Darga, filed OS.No.89 of 2011 and obtained interim injunction in IA.No.422 of 2011 in respect of the same land; and that the said injunction order was suspended by this Court in CRP.No.3249 of 2012 on 23.07.2012. The same is not disputed by the learned counsel for the petitioner.

Since civil suit is already pending between the parties and interim injunction granted in favour of Wakf Board is suspended by this Court in CRP No.3249 of 2012, which is pending and that as on today no proceedings under Section 145 are issued, it is for the 1st respondent to take into account the aforesaid facts while considering the requisition made by the 3rd respondent in accordance with law and issue proceedings under Section 145 of

Criminal Procedure Code. In view of the same, no *Mandamus* can be issued for issuance of proceedings under Section 145.

Accordingly, I do not see any merits in the writ petition and the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.02.2016

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