

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.45918 of 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the impugned proceedings in D.V.C.No.8 of 2016 pending on the file of the Judicial Magistrate of First Class, Kavali, SPSR Nellore District as invalid and unsustainable as not attracting the provisions of DVC Act and consequently quash the proceedings against the petitioners.

Heard the learned counsel for petitioners and the learned Assistant Government Pleader for Home and perused the material available on record.

On a perusal of the record, this Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against petitioners.

In any event, considering the nature of allegations wherein the question of identity of petitioners does not arise, presence of petitioners on each and every hearing before the trial Court is dispensed with, but they shall appear before the trial Court when the trial Court insists for their appearance for any specific purpose.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending in this petition, if any, shall stand closed.

28.12.2016
skmr

JUSTICE RAJA ELANGO

