

**THE HON'BLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL REVISION CASE No.1837 OF 2016**

**ORDER:**

This Criminal Revision Case is filed against the proceedings, dated 24.06.2016, passed in Progs.No.B/809/2016, by the Tahsildar, Thorrur, whereby the Tahsildar issued proceedings under Section 145 Cr.P.C., restraining the petitioner as well as the 3<sup>rd</sup> respondent from entering into the agricultural land of an extent of Ac.1.37 guntas, situated at Bonthupally village of Thorrur Mndal.

The brief facts of the case are that the petitioner and the 3<sup>rd</sup> respondent are brothers. The petitioner filed O.S. No.191 of 2012 before the Court of the Senior Civil Judge, Mahabubabad, against the 3<sup>rd</sup> respondent and obtained an order of ad-interim injunction in I.A. No.596 of 2012, restraining the 3<sup>rd</sup> respondent and his henchmen from the peaceful possession and enjoyment of the suit schedule property by the petitioner. But, violating the said injunction order, the 3<sup>rd</sup> respondent and his henchmen trespassed into the said property and therefore, the petitioner lodged a complaint against the 3<sup>rd</sup> respondent before the Station House Officer, Thorrur Police Station. Instead of taking action on the complaint lodged by the petitioner, the SHO addressed a letter to the Tahsildar – 2<sup>nd</sup> respondent to issue proceedings under Section 145 Cr.P.C., for the agricultural land in Sy.No.41/A to an extent of Ac.1-37 guntas, situated at Bonthupally village of Thorrur Mandal, and in turn the 2<sup>nd</sup> respondent issued the proceedings impugned directing the petitioner as well as the 3<sup>rd</sup> respondent not to trespass into the said land until passing of judgment of Civil Court.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the Tahsildar

passed the impugned proceedings restraining the petitioner along with the 3<sup>rd</sup> respondent, without taking into consideration the subsistence of the injunction order passed by the competent Civil Court in favour of the petitioner, basing on the report submitted by the Station House Officer, Thorrur, and that there is no dispute with regard to possession and title of the suit schedule property and the impugned order is passed without following procedure and without hearing the petitioner, and therefore, the said proceedings are not sustainable in law.

A perusal of the proceedings of the Tahsildar disclosed that the Tahsildar has not passed any detailed order and he has not followed the procedure contemplated under the provisions while passing the impugned order. Hence this Court is of the view that the said proceedings are liable to be set aside and the matter can be remanded to the Tahsildar for fresh consideration.

Accordingly, the Criminal Revision Case is allowed and the proceedings, dated 24.06.2016 passed in Progs.No.B/809/2016 by the Tahsildar, Thorrur, are hereby set aside and the matter is remitted to the Tahsildar and the Tahsildar shall consider the matter afresh after hearing the parties, and pass appropriate orders in accordance with law.

Miscellaneous petitions, pending if any, shall stand closed.

---

**RAJA ELANGO, J**

**July 15, 2016.**  
KTL