

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CRIMINAL REVISION CASE No.507 OF 2012

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ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 01.03.2012 in Rc.No.12/2012A on the file of the Mandal Executive Magistrate and Tahsildar, Tsundur Mandal, Guntur District.

The contention of the learned counsel for the petitioners is that the learned Executive Magistrate passed the order on 01.03.2012 without conducting an enquiry.

In all fairness the learned counsel for the third respondent also submitted that the learned Executive Magistrate passed the order without giving any opportunity to both parties.

A perusal of the record reveals that there is a dispute between the parties with regard to the house i.e., Door No.1-111 in D.No.397/5 to an extent of Ac.0.01½ cents, Korrutadiparru Road, opposite to B.R.Ambedkar Statue, Tsundur Mandal. It clearly reveals that there is a dispute between the parties with regard to the house in question. It further reveals that the Executive Magistrate has passed the order without affording a reasonable opportunity to both parties. Any order judicial or quasi judicial passed in violation of the principles of natural justice is *non est* in the eye of law. The order dated 01.03.2012 in Rc.No.12/2012A is not sustainable either on facts or in law.

Having regard to the facts and circumstances of the case, it is a fit case to set aside the order dated 01.03.2012 and remit the matter back to the Mandal Executive Magistrate and Tahsildar, Tsundur Mandal, Guntur District for fresh disposal in accordance with law.

Accordingly, the Criminal Revision Case is allowed setting

aside the order dated 01.03.2012 in Rc.No.12/2012A and the matter is
remitted back to the Mandal Executive Magistrate and Tahsildar,
Tsundur Mandal, Guntur District. The learned Executive Magistrate is
hereby directed to dispose of Rc.No.12/2012A in accordance with law,
as expeditiously as possible, after affording a reasonable opportunity
to both parties.

Consequently, Miscellaneous Petitions, if any, pending in this
Criminal Revision Cases shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 13.07.2016

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