

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26109 OF 2017

Dated:10.10.2017

Between:

Devlibai, W/o. Chinya Naik,
Aged about 65 years, Occ: Agriculture,
R/o. Damlanaik Thanda, H/o. Dorepalli
Village, Maddur Mandal, Mahabubnagar
District and others

.. Petitioners

And

The State of Telangana, Rep., by its
Principal Secretary, Department of
Revenue, T.S. Secretariat Buildigns,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioners challenge the order dated 22.07.2017 of the Executive Magistrate and Tahsildar, Maddur Mandal, passed under Sections 145 and 146 (1) of the Cr.P.C. A reading of the order would disclose that there was some threat to the peace during the Brahmmostavam scheduled to be conducted in Gandhi Hanuman Temple at Dorepally Village. As threat to the peace and tranquility in the area would affect smooth conduct of Brahmmostavam, the Tahsildar exercised powers under Section 145 and 146 (1) of the Cr.P.C. and passed order impugned. The Tahsildar directed the area surrounding Gandhi Hanuman Temple of Dorepally Village to be taken into the Government custody and handed over to the Assistant Commissioner of Endowments, Mahabubnagar District, for conducting Gandhi Hanuman Brahmmostavam celebrations.

3. Learned counsel for the petitioners submits that Brahmmostavam was held on 30.08.2017.

4. Since Brahmmostavam was already celebrated on 30.08.2017 and the very purpose of passing orders under Sections 145 and 146 (1) of Cr.P.C. no more survive, the cause in the Writ Petition does not survive.

5. At this stage, learned counsel for the petitioners sought to contend that the lands in Survey Nos.672 and 673 of Gundmal Village of Kosgi Mandal, Mahabubnagar District, are private patta

lands and the respondent authorities are trying to interfere with the peaceful possession and enjoyment of the said lands.

6. As seen from the order under challenge, the said order is passed by the Executive Magistrate exercising power under Sections 145 and 146 (1) of Cr.P.C. only to maintain peace and tranquility in the area before Brahmastavam was conducted and was not dealing with any other issue concerning the subject properties. Thus, if the petitioners have any grievance on the alleged illegal interference over the properties claimed to be owned by the petitioners, it is open to them to work out their remedies as available in law.

7. Be that as it may, as noted above, since the orders are specifically passed keeping in view the pending Brahmastavam celebrations and Brahmastavam was already celebrated on 30.08.2017, the cause in the Writ Petition does not survive for adjudication and the Writ Petition is liable to be dismissed.

8. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:10.10.2017

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