

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.44147 OF 2016
AND
CRL.R.C.No.3245 OF 2016

COMMON ORDER:

These two cases are disposed of by this common order as they are arising out of the same proceedings passed by the Executive Magistrate and Tahsildar, Abdullapurmet Mandal, Ranga Reddy District.

The Society of Trustees of Indigenous Churches in India filed W.P.No.44147 of 2016, whereas the 4th respondent in the said writ petition filed Crl.R.C.No.3245 of 2016. The Mandal Executive Magistrate and Tahsildar-2nd respondent passed the order dated 14.12.2016 impugned in both these cases in exercise of powers conferred under Section 145 Cr.P.C.

The case of the writ petitioner's society is that it was registered in 1971 having its head office at Hebron Church at Golconda X Roads, Hyderabad. It has been managing 1300 churches in the States of Telangana and Andhra Pradesh. Eshkol prayer house/church belongs to the petitioner's society. It is situated in the outskirts of Hyderabad and only temporary sheds were erected in it by the petitioner society. The writ petitioner society appointed one Gummadi Daiva Prasad as Pastor to offer prayers and manage the affairs of the church *vide* order dated 07.11.2016. The 4th respondent and his followers did not like the same. They wanted to take over the management of the church which was constructed in an extent of 200 square yards. The 4th respondent filed O.P.No.263 of 2016 on the file of the Junior Civil Judge-cum-VII Metropolitan Magistrate Court, Hayathnagar and

order of *status quo* was granted in I.A.No.674 of 2016 on 01.12.2016. In the said suit, the petitioner society was not impleaded. While so, the petitioner society filed O.S.No.1311 of 2016 on the file of VIII Addl. District Judge, Ranga Reddy District, and an order of injunction was passed in I.A.No.937 of 2016 on 05.12.2016 against the 4th respondent and others. Thus, both the parties are fighting against each other. But, there are orders of *status quo* and injunction against each other.

Though the 2nd respondent is aware of the pendency of the said suits, on the request made by the 3rd respondent-Station House Officer, Abdullapurmet Police Station, Rachakonda, passed the impugned order dated 14.12.2016 authorising the Mandal Revenue Inspector/Village Revenue Officer, Umerkhanguda, H/o Koheda Village, Abdullapurmet Mandal to take the custody of the property to prevent the public nuisance and untoward incident in the said premises.

The said order is challenged in the writ petition as well as in Criminal Revision Case.

The action of the 2nd respondent is justified by the 3rd respondent by filing counter stating that there is a serious law and order problem and in those circumstances, he submitted a report to the 2nd respondent for taking action under Section 145 of Cr.P.C.

The law is well settled that when there are orders of civil Court in respect of particular property, the same have to be honoured and it is for the parties to take appropriate proceedings in accordance with law.

In respect of the subject property, the 2nd respondent cannot pass any orders in exercise of the powers under Section 145 of Cr.P.C. However, this does not prevent the police from investigating into crimes which are said to be pending in respect of the subject property. It is open to the 3rd respondent to take further steps for investigating the cases in accordance with law.

In view of the above facts and circumstances of the case, the impugned order dated 14.12.2016 passed by the 2nd respondent in proceedings No.D/328/2016 is set aside and the Writ Petition as well as Crl.R.C. are allowed.

Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.



JUSTICE A.RAMALINGESWARA RAO

7th February, 2017
ssp