

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.30410 of 2017

Dated:11.09.2017

Between:

Devarapalli Padma Reddy, S/o. D.Laxmi Narsimha,
Aged about 82 years, Occu: Business, R/o.H.No.
3-4-308/4, Kachiguda, Hyderabad, represented by
his GPA Holder and another

..Petitioners

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department,
Secretariat Building, Hyderabad and others.

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioners claim that they are absolute owners of land in Sy.No.262 to an extent of Ac.0.24 Gts., in Sy.No.263 to an extent of Ac.0.22 Gts., in Sy.No.264 to an extent of Ac.0.06 Gts., and in Sy.No.265 to an extent of Ac.0.07 Gts., total admeasuring Ac.1.19 Gts., situated at Devar Yamjal Village, Shameerpet Mandal, Ranga Reddy District.

2. This writ petition is filed praying to grant *mandamus* directing the Revenue Divisional Officer, Keesara (R.2), to initiate proceedings under Section 145 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for taking possession of disputed land admeasuring Ac.2.37 Gts., in survey numbers mentioned above of the petitioners and the unofficial respondents based on the report stated to have been submitted by the Inspector of Police, PS Pet-Basheerabad, Cyberabad (R.4).

3. The averments made in the affidavit filed in support of the writ petition disclose that there is dispute of title between the petitioners and the unofficial respondents. Petitioners filed Original Suit No.827 of 2015, which is pending on the file of XVI Additional District Court, Malkajgiri, Ranga Reddy District and they obtained order of *status quo* in Interlocutory Application No.710 of 2015. It appears some complaints are also filed and two crimes were

registered. Petitioners allege creation of false documents by the unofficial respondents and claiming ownership. Though the averments would disclose dispute on title and ownership and possession of the petitioners, at this stage, it cannot be said that there is a serious law and order problem, which would require initiation of proceedings under Section 145 Cr.P.C.

4. Power under Section 145 Cr.P.C., is extraordinary residuary power, which is intended to be exercised to ensure maintenance of peace and tranquillity in the community and not to involve in private disputes between two groups on ownership as a private property in the exercise of such power, more particularly when civil litigation is pending. Further, two crimes were already registered. Thus, this Court is not inclined to grant the relief as sought for.

5. Leaving it open to the petitioners to work out their remedies available under law and ventilate the grievance agitated in this writ petition regarding alleged illegal interference and creation of false documents, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date:11.09.2017
INL