

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Civil Revision Petition No.1884 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India challenging the orders dated 14.02.2017 in I.A.No.27 of 2016 in I.A.No.337 of 2015 in O.S.No.520 of 2015 on the file of the Sub Divisional Magistrate and Special Assistant Agent to Government, Mobile Court, at Bhadrachalam.

Heard the learned counsel for both parties and perused the material available on record.

A perusal of the record reveals that the respondent herein file a suit in O.S.No.520 of 2015 on the file of the Sub Divisional Magistrate and Special Assistant Agent to Government, at Bhadrachalam, against the petitioners herein seeking perpetual injunction in respect of the suit schedule property, which is existing bullock cart way which is formed with hill rocks and gravel material measuring 150 meters length with 6 meters width (in an approximate extent Acs.0.03 guntas in Sy.No.217 situated at Sriramagiri village of Erukuru Mandal) connecting from plaintiff's land to others lands to B.T. road. Along with the suit, the respondent filed I.A.No.337 of 2015 under Rule 42(a & c) of Agency Rules read with 151 CPC seeking temporary injunction. The trial Court granted *ex parte* interim injunction in favour of the respondent. A perusal of the record also reveals that the respondent lodged a complaint to the Station House Officer,

Enkuru, who in turn registered a case in Crime No.110 of 2016. The respondent filed W.P.No.32409 of 2016 and this Court granted police aid in favour of the respondent in WPMP No.40092 of 2016. The petitioners herein feeling aggrieved with the orders in W.P.M.P.No.40092 of 2016, preferred writ appeal and the same was allowed with a direction to the court below to dispose of I.A.No.27 of 2016 within six weeks. The trial Court after hearing both parties, allowed I.A.No.27 of 2016. A perusal of the record clearly reveals that the trial Court granted police aid in favour of the respondent basing on the *ex parte* order dated 22.12.2015. The petitioners herein have filed a counter in I.A.No.337 of 2015 to vacate the interim injunction. For one reason or other, the trial Court has not disposed of the said application. Granting or refusing of police aid depends upon the outcome of I.A.No.337 of 2015.

In view of pendency of I.A.No.337 of 2015, this Court is not inclined to express any opinion with regard to the merits of the main case.

Having regard to the facts and circumstances of the case, the Sub Divisional Magistrate and Special Assistant Agent to the Government, Mobile Court, at Bhadrachalam, is hereby directed to dispose of I.A.No.337 of 2015 in O.S.No.520 of 2015 in accordance with law, as expeditiously as possible, preferably on or before 30.07.2017, after affording a reasonable opportunity to both parties.

With the above direction, the Civil Revision Petition is disposed of. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

27th April, 2017.
Rns

T.SUNIL CHOWDARY, J

