

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.7586 of 2011

ORDER :

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner seeking to quash the proceedings dated 11.08.2011 in M.C.No.3 of 2011 on the file of the Sub-Divisional Magistrate and Revenue Divisional Officer, Eluru.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent – State.

The learned Additional Public Prosecutor submits that in view of disposal W.P.No.20067 of 2011 by order dated 14.07.2015, the cause in this Criminal Petition does not survive for adjudication.

The order under challenge in this Criminal Petition is order dated 11.08.2011 in M.C.No.3 of 2011 passed by the Sub-Divisional Magistrate and Revenue Divisional Officer, Eluru. It is appropriate to refer to the relevant portion of the said order, which reads as under:

“This is to authorize and require you to attach the said disputed tubewell located in R.S.No.286/112 of Kamsaligunta, H/o. nallamadu Village by taking and keeping possession thereof and to hold the same under attachment until the W.P.No.20067/2011 is disposed of by the Hon'ble High Court of A.P., and to return this warrant with an endorsement certifying the manner of its execution.”

As per the aforesaid observations in the order dated 11.08.2011, the attachment shall have effect only until disposal of W.P.No.20067 of 2011. Since it is reported by the learned Additional Public Prosecutor that W.P.No.20067 of 2011 has been disposed of, nothing survives for adjudication in this criminal petition.

Further, the learned Additional Public Prosecutor has also passed on the order dated 14.07.2015 in W.P.No.20067 of 2011. The operative portion of the said order reads as under:

“Without going into the merits of the case and in view of the interim orders passed, the writ petition is disposed of by directing the respondents not to interfere with the usage of bore-well situated in R.S.No.286-112 of an extent of Ac.0.54 cents in Kamsaligunta, H/o. Nallamadu Gram Panchayat, Ungutur Mandal, West Godavari District, except in accordance with law. It is needless to mention that the respondents are always at liberty to initiate any action in accordance with law. There shall be no order as to costs.”

In view of disposal of the writ petition with the aforesaid observations, the attachment ordered under Section 146 of Cr.P.C., vide proceedings dated 11.08.2011 in M.C.No.3 of 2011 shall not have any effect.

With the above observations, this Criminal Petition is dismissed as infructuous.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

23.04.2018.
Msr

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