

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2271 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner, to quash the order, dated 13.01.2018, passed in an un-numbered M.C. of 2018, by the Tahsildar and Mandal Executive Magistrate, Velugodu Mandal, Kurnool District, under Section 145 of Cr.P.C.

2. Heard the learned counsel for both the sides and perused the record.

3. It is contended that the impugned order is bereft of reasons. The petitioner owns and possesses Acs.2.50 cents of land in survey No.265/B2 situated at Boyarevula village, Velugodu Mandal, Kurnool District. She obtained a decree in O.S.No.181 of 2009 on the file of Junior Civil Judge, Atmakur, Kurnool District, in respect of the said land. Admittedly, the impugned order was passed on a report from the Sub Inspector of Police, P.S. Velugodu, Kurnool District, apprehending breach of public peace and tranquility. The petitioner is claiming only Acs.2.50 cents of land in the disputed survey number. The copy of the decree in O.S.No.181 of 2009 on the file of Junior Civil Judge, Atmakur, Kurnool District, does not disclose the name of respondent No.3 herein. Under these circumstances, It is appropriate to give an opportunity of hearing to the litigants to put forth their defences, before the impugned order is finalized.

4. Accordingly, the Tahsildar and Mandal Executive Magistrate, Velugodu Mandal, Kurnool District, is directed to conduct enquiry in terms of Section 145 of Cr.P.C. and pass a final order in respect of

the disputed land in Survey No.265/B2 situated at Boyarevula village, Velugodu Mandal, Kurnool District, within a period of forty five (45) days from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Dr.SHAMEEM AKTHER, J

23rd February, 2018
Bvv

