

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.3536 of 2016

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondent No.5 (Tahsildar, Vakadu Mandal, SPSR Nellore District), in issuing impugned proceedings dated 25.01.2016 exercising power under Section 145 Cr.P.C. prohibiting any person to enter into land in Sy.No.131 situated at Vagaru Village, Vakadu Mandal, SPSR Nellore District, including patta lands of petitioners, as illegal, arbitrary and in violation of principles of natural justice.

Heard the learned Counsel for the petitioners, learned Assistant Government Pleader for Revenue (AP) and learned Assistant Government Pleader for Home (AP).

Learned Counsel for the petitioners, relying on the contents in the writ affidavit, submits that petitioners are the owners of the subject property; respondent No.5 issued the impugned proceedings dated 25.01.2016, under Section 145 Cr.P.C, without giving opportunity to the petitioners to participate in the enquiry; and, therefore, the impugned proceedings of respondent No.5 are liable to be set aside.

Learned Assistant Government Pleader for Revenue (AP) submits that respondent No.5, by proceedings dated 08.04.2016, revoked the impugned proceedings issued under Section 145 Cr.P.C.

Proceedings dated 08.04.2016 read as under:

Proceedings of the Tahsildar, Vakadu

RCB/26/2012

Dated:08.04.2016

Sub:-Government Lands – SPSR Nellore District – Vakadu Village – Government site – S.No.131 – Extent Acs.4.16 cents in Vagaru Village – dispute arose Putchalapalli Sampurnamma, Putchalapalli Kasturamma between Andalamala Villagers – Section 145 Cr.P.C. – orders Revocation – Orders Issued.

Read :- 1. Sub-Collector, Gudur oral instructions dated 25.01.2016.
2. In this office letter RC.B/26/2012, Dated 25.01.2016.
3. In the Revenue Court of Sub-Collector, Gudur R.Dis(B2)115/2016, Dated 07.04.2016.

ORDER:-

The Tahsildar, Vakadu in the reference 2nd read above, the Sy.No.131 in Vagaru Village dispute between the Putchalapalli Sampurnamma and others between Andalamala Villagers, the 145 Cr.P.C. Orders issued on 25.01.2016.

The Sub-Collector, Gudur in the reference 3rd read above, the revenue Court of Sub-Collector, Gudur R.Dis (B2)1415/2016, Dated 07.04.2016 orders issued the S.No.131 in Extent Acs.4.16 cents in Vagaru Village, the said land was treated as the Government land. Hence, the Tahsildar, Vakadu as implemented the Sub-Collector Order.

I, Smt V.Lavanya, Mandal Executive Magistrate, Vakadu, do hereby the Government lands in S.No.131 in Vagaru Village regarding to the Putchalapalli Sampurnamma, Putchalapalli Kasturamma between Andalamala Villagers under Section 145 Cr.P.C. revocation orders issued on 08.04.2016.

These orders will come into force immediately from 08.04.2016.

Mandal Executive Magistrate
& Tahsildar, Vakadu

The impugned proceedings has since been revoked by proceedings dated 08.04.2016, no further orders need be passed in the present Writ Petition.

The Writ Petition is, accordingly, closed.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:01.05.2018
Usd

