

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.7052 OF 2012

ORDER:

This petition is filed seeking writ of Mandamus declaring the proceedings in M.C.No.06 of 2012, dated 28.02.2012 issued by the respondent No.3 under Section 113 of Cr.P.C. without there being any valid reasons as illegal, arbitrary, unjust and consequently, set aside the same and pass such other orders.

2. The petitioners case is that they are residents of Pulivendula Town and Mandal of Y.S.R. Kadapa District and they belong to Y.S.R. Congress Party and due to political feuds their opponents prevailed over the respondents Nos.1 to 3 and got issued through respondent No.3, the impugned notices under Section 113 Cr.P.C. without there being any valid reasons.

Hence, the writ petition.

3. When the matter came up for hearing, it is seen that the impugned notices were issued by the 3rd respondent, who is the Mandal Executive Magistrate and Tahsildar, Pulivendula on the ground that the petitioners were likely to commit breach of the peace and therefore they have to attend before the 3rd respondent on the date shown in the notices and to show-cause why they should not be required to enter into a

bond for Rs.50,000/-. Challenging the same, the present writ petition is filed, mainly, contending that without there being any proper reason or without petitioners causing any breach of peace at Pulivendula, the notices were issued.

4. This Court on 14.03.2012, passed interim order in W.P.M.P.No.8928 of 2012 suspending the impugned notices. Since the writ petition is of the year 2012 and the petitioners in the impugned notices were called upon to show-cause why they were not required to furnish surety for a sum of Rs.50,000/- to maintain peace for a period of six months, which was over long time back and in all probability the facts and circumstances prevailing at the time of issuing notices may not be continuing now, in the considered view of this Court no further orders need to be passed in the writ petition.

5. Accordingly, this writ petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

U.DURGA PRASAD RAO, J

14.09.2018
SS