

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.28133 AND 32097 OF 2018

COMMON ORDER

Vide order Nos.B/183/2018 dated 24.06.2018 and B/270/2018 dated 05.07.2018, respectively, 2nd respondent - Tahsildar and Executive Magistrate, Nennel, initiated proceedings under Section 145 of Cr.P.C. Aggrieved by the same, the petitioners, claiming possession over the subject lands, filed the present writ petitions.

Sri J.U.M.V. Prasad, learned counsel appearing for the petitioners in both the writ petitions submit that petitioners in both the writ petitions are in possession of the subject lands as owners and when the names of unofficial respondent No.4 and others were mutated in the revenue records, vide proceedings of the Tahsildar dated 18.11.2010, they filed appeal before the court of Sub Collector, Mancherial, Adilabad District, against entries made in favour of unofficial respondent in revenue records, and the same is pending adjudication. He submits that petitioners are in possession of the subject lands by raising cotton crop and that when the appeal is pending, Tahsildar, could not have initiated proceedings under Section 145 of Cr.P.C.

Learned Assistant Government Pleader for Revenue produced written instructions of Tahsildar, Nennel Mandal dated 22.09.2018 in W.P.No.32097 of 2018, stating that in respect of subject lands, appeal is

pending before the court of Sub Collector Bellampalli and that as dispute arose on the fields between the parties, to protect the breach of peace and to prevent any untoward incident, impugned proceedings under Section 145 of Cr.P.C. were initiated as per rules. It is stated that at the time of promulgation of orders under Section 145 Cr.P.C., no crop has been sown on the fields.

Learned counsel for unofficial respondent No.4 submits that the unofficial respondent has purchased the subject lands under registered sale deeds and that he is in possession of the property.

Heard the learned Assistant Government Pleader for Home.

Petitioners and unofficial No.4, are claiming possession over the subject lands. Thus, there is dispute with regard to possession. Appeal with regard to entries made in the revenue records, is pending before the Sub Collector, Mancherial. This court under the writ jurisdiction, cannot go into the disputed question relating to possession, and grant any relief. As per the written instructions, as dispute arose on the fields, in order to prevent breach of peace and any untoward incident, the Tahsildar, based on the requisition of Sub Inspector of Police, Nennel Mandal, initiated proceedings under Section 145 of Cr.P.C. The petitioners, except stating that appeal is pending, have not made out any case for interference with the impugned proceedings.

In view of the same, no relief can be granted and the writ petitions are disposed of, leaving it open to the petitioners to avail alternative remedies.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:25—09—2018

AVS

