

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.33846 OF 2018

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Home and Sri T.Vinod Kumar, learned counsel, apart from perusing the entire material available on record.

When the matter is taken up, it is submitted by Sri T.Vinod Kumar, learned counsel for the fourth respondent, that proceedings in M.C.No.20/2018 were quashed by this Court and the sixth respondent herein, along with another, filed CrI.R.P.No.24/2018 on the file of the Sessions Judge, SRikakulam, questioning the orders passed by the Tahsildar-cum-Mandal Executive Magistrate in M.C.No.20/2018, dated 04.05.2018, and the learned Sessions Judge, by way of an order, dated 03.07.2018, allowed the said revision setting aside the orders passed by the Tahsildar-cum-Mandal Executive Magistrate in M.C.No.20/2018, dated 04.05.12018.

During the course of arguments, written instructions, dated 20.09.2018, furnished by the Sub Inspector of Police Gara Police Station, are placed on record by the learned Government Pleader. The said instructions, to the extent of their relevance to the present Writ Petition, read as under:

“ It is respectfully submitted that the petitioner gave a complaint to the Superintendent of Police, Srikakulam District on 7.5.2018 requesting to cancel the pattadar pass book issued to one Hari Babu as the land belongs to Wakf Board property. That the Superintendent of Police, Srikakulam District forwarded the same to Station House Officer, Gara P.S. to cause enquiry into above complaint. The Station House Officer, Gara P.S. has caused enquiry into above said issue and came to know that regarding the above land issue there are 145 Cr.P.C. proceedings orders of the Tahsildar & Mandal Executive Magistrate, Gara vide M.C.No.20/2018, dt.4.5.2018 and further it is disclosed that the above matter is purely civil in nature. It is submitted that the Station House Officer, Gara P.S. after completing enquiry into above complaint, addressed a letter to the petitioner No.1 on 18.9.2018 stating that the Tahsildar & Mandal Executive Magistrate, Gara vide M.C.No.20/2018, dt.4.5.2018 has issued U/s 145 Cr.P.C. proceedings regarding above said disputed land, as such the matter is civil in nature and directed the petitioner to approach concerned civil Court for relief”.

In view of the above instructions, nothing survives for further adjudication in this Writ Petition.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall stand closed.

A.V.SESHA SAI, J

23rd October, 2018
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