

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.3598 OF 2019

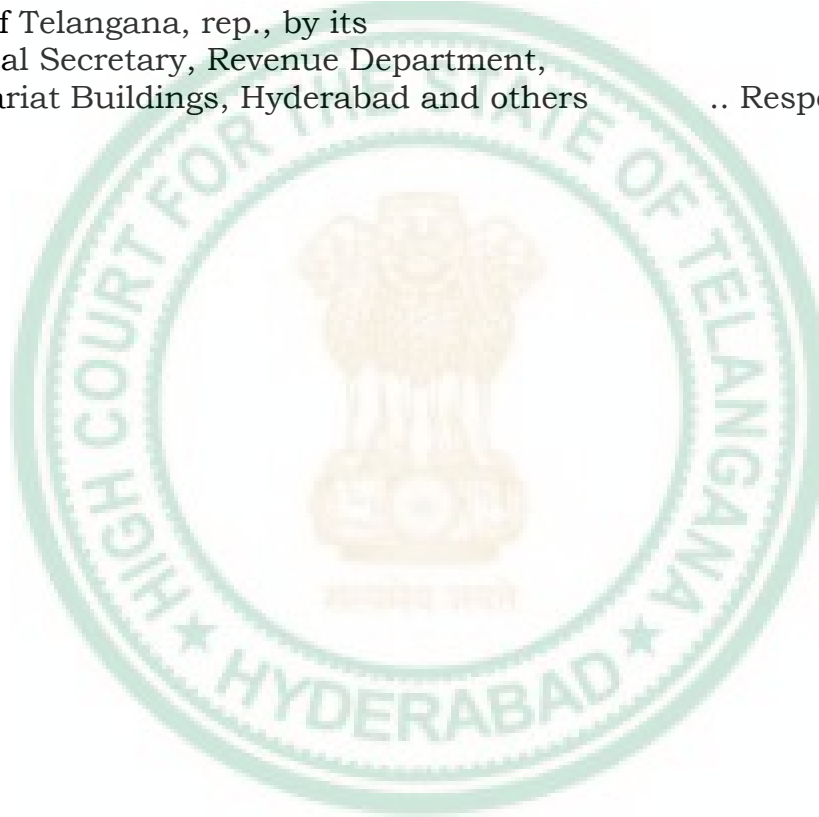
Date:14.03.2019

Between:

Dadi Vasudeva Reddy,
S/o. D. Thirupal Reddy, Aged about
46 years, R/o.H.No.4248/413,
Vivekananda Nagar, Shamshabad
Mandal, Ranga Reddy District and others .. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.3598 OF 2019****ORDER:**

Heard.

2. This Writ Petition is filed challenging the promulgation of proceedings bearing No.A2/285/2019 issued by the Revenue Divisional Officer, Kandukur Division, under Section 145 of Code of Criminal Procedure, 1973. The said decision was challenged primarily on the ground that there are rival claims between the petitioners and unofficial respondents and O.S.No.1426 of 2013 filed by petitioners 1 and 2 and O.S.No.634 of 2012 filed by respondent No.5 are pending and in these two suits, the Courts granted interim injunction.

3. Learned counsel for petitioners submits that when litigation is pending before the competent Court and there is an *inter se* dispute, the Magistrate has no competence to initiate proceedings under Section 145 of the Code of Criminal Procedure, 1973. Reliance is placed on the decision of the Supreme Court in **Mahanth Ram Saran Dass v. Harish Mohan and another**¹.

4. Learned counsel appearing for respondents 5 and 6 also fairly submits that in view of the legal position, proceedings under Section 145 of the Code of Criminal Procedure, 1973 are not maintainable.

5. In paragraph No.6 of the counter affidavit filed on behalf of respondent No.3, it is also stated that having regard to civil dispute

¹ (2001) 10 SCC 758

pending inter parties, the deponent would take steps to close the matter.

6. Recording the said statement, the Writ Petition is disposed of directing the Revenue Divisional Officer, Kandukur Division, Ranga Reddy District, respondent No.3 herein, to take immediate steps, at any rate, within one week from the date of receipt of a copy of the order, withdrawing the proceedings under Section 145 of the Code of Criminal Procedure, 1973. Till such decision is taken, interim order shall continue to operate. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:14.03.2019

KH

P. NAVEEN RAO, J

