

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT APPEAL No.101 OF 2019
and
WRIT PETITION Nos.1692 OF 2018 & 38488 OF 2017**

COMMON JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellants, writ petitioners in these matters and the learned counsel appearing for the unofficial respondents. We have also heard the learned Government Pleader for Revenue.

2. Out of the three captioned matters, Writ Appeal No.101 of 2019 arises from Writ Petition No.1692 of 2018. Writ Petition No.38488 of 2017, instituted earlier, also relates to the same property which is the subject matter of the dispute in Writ Appeal No.101 of 2019 and Writ Petition No.1692 of 2018. All these matters are bunched up together and heard having regard to the issues involved.

3. There are two suits pending between private parties to the Writ Appeal and the Writ Petitions. They are O.S.No.1433 of 2015 of the Court of I Additional Senior Civil Judge, Ranga Reddy District, and O.S.No.445 of 2016 of the Court of XV Additional District Judge, Ranga Reddy District. The latter Court has issued an order of temporary injunction which, as it now stands, enures to the

benefit of the unofficial respondents in Writ Appeal No.101 of 2019.

4. In the meanwhile, based on a report filed by the Station House Officer of Gachibowli Police Station, proceedings under Section 145 Cr.P.C. were initiated by the jurisdictional Sub-Divisional Magistrate, Rajendranagar. Initially, all that proceedings were challenged in Writ Petition No.38488 of 2017. Pending that Writ Petition, the Sub-Divisional Magistrate passed an order of attachment of the property concerned. This has led to the institution of Writ Petition No.1692 of 2018. That is an item of property, on which, the private respondents in Writ Appeal No.101 of 2019 and Writ Petition No.1692 of 2018 were even found to be in possession going by the order of temporary injunction issued by the Civil Court. That party or parties do not have any objection to the continuance of the order of attachment issued by the Sub-Divisional Magistrate as of now. This means that the parties will stand bound by the finding of possession by the Civil Court in the interlocutory order of temporary injunction until that matter is finally decided by that Civil Court or the Civil Court renders any other interlocutory order that will govern the parties in relation to the property in issue.

5. The aforesaid takes us to the question whether it will be appropriate to keep the proceedings initiated under Section 145

Cr.P.C. pending for long. The learned counsel appearing for the appellants in Writ Appeal No.101 of 2019 and the writ petitioners in Writ Petition No.1692 of 2018 points out, quite rightly, that proceedings under Section 145 Cr.P.C. and orders under Section 146 Cr.P.C. are not matters to be kept indefinitely and the finding to that effect is handed-down by the Supreme Court would indicate that when question of possession is determined by the Civil Courts, it will not be within the realm of jurisdiction under Section 145 Cr.P.C. for the Executive Magistrate to deal with that issue.

6. In the aforesaid format of facts and law, we are of the considered opinion that the Sub-Divisional Magistrate, Rajendranagar, shall take up the proceedings in relation to which these matters are filed and pass final orders after affording an opportunity of hearing to all the parties concerned. This shall be done within an outer limit of three (3) months from the date of receipt of a copy of this order. We make this outer limit taking into consideration the ensuing election schedule for the Lok Sabha. We are, therefore, of the view that the Sub-Divisional Magistrate should make efforts to conclude the proceedings within the time limit fixed hereinabove.

7. As regards possession and other issues, the parties will be governed by further orders that may be passed by the Civil Court in

the two suits mentioned hereinabove including interlocutory orders that may be passed by that Court.

8. Writ Appeal No.101 of 2019 and Writ Petition Nos.1692 of 2018 & 38488 of 2017 are ordered accordingly, leaving open all issues as between the parties.

9. Miscellaneous petitions, if any pending, shall also stand disposed of. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

Date: 13.03.2019

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