

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

CRIMINAL PETITION NO.8276 OF 2016

ORDER:-

This Criminal Petition, under Section 482 of the Code of Criminal Procedure 1973, is filed to quash the order passed in Roc.G/1497/15, dated 05.6.2015, which is promulgated under Section 145 of Code of Criminal Procedure, in respect of the lands to an extent of Ac.12.40 cents in Sy.No.376; an extent of Ac.17.18 cents in Sy.No.377 and an extent of Ac.6.76 cents in Sy.No.370 of Avilala Village, Tirupati Rural Mandal.

2. The impugned order dated 05.6.2015 reveals that the President, Taxi Drivers Association, Tirupati has represented that about 100 taxi drivers have constructed houses in Sy.No.377 of Avilala Village about 30 years ago and all the houses were assessed by the Vedanthapuram Gram Panchayat and have obtained electricity service connection to those houses and they were also given with voter identity cards, ration cards, aadhar cards and they have filed W.P.No.27705 of 1995 before this Court and this Court directed not to dispossess them except under due process of law. But, on 28.04.2015 at about 11.00 a.m., about 100 unruly elements headed by Sri S.C.V. Naidu tried to demolish the houses which was objected and thereby they the taxi drivers were assaulted and they

sustained bleeding injuries and that they were also threatened by stating that they will come again in the midnight to attack and as such the said President of Taxi Drivers' Association requested the Superintendent of Police, Tirupathi to save them and on that the Superintendent of Police after verification addressed the District Collector, Chittoor stating that there is any chance of breach of peace in the locality and thereby the District Collector, Chittoor directed the Revenue Divisional Officer, Tirupathi to promulgate orders under Section 145 Cr.P.C. prohibiting the entry and occupation of the lands bearing Survey Nos.376 to an extent of Ac.12.40 cents in Sy.No.376; an extent of Ac.17.18 cents in Sy.No.377 and an extent of Ac.6.76 cents in Sy.No.370 of Avilala Village, Tirupati Rural Mandal by both parties and their men until further orders.

3. Heard the learned counsel for the petitioner and the learned Special Assistant Public Prosecutor. Perused the material on record.

4. On perusal of record, it goes to show that the orders were promulgated under Section 145 Cr.P.C., on the ground that there will be breach of peace in the locality, in view of the dispute with regard to the above said lands, wherein two rival parties are claiming title/ownership/possession. In fact, in respect of the subject lands, a civil Suit was filed in O.S.No.222 of 1999

on the file of the Additional Senior Civil Judge Court, Tirupati, which was dismissed on 31.12.2003, against which an appeal in A.S.No.75 of 2004 on the file of V Additional District Judge was preferred and it was also dismissed on 31.12.2004.

5. Government filed a suit in O.S.No.222 of 1999 on the file of the learned Additional Senior Civil Judge Court, Tirupati claiming that the subject land belongs to the Government and the said suit was dismissed on 31.12.2003. Aggrieved by the said judgment, the Government preferred an appeal in A.S.No.75 of 2004 on the file of the V Additional District Judge Court, Tirupati and the same was also dismissed. At this juncture, the question of initiation of proceedings under Section 145 Cr.P.C. would not arise. The disputes, if any, have to be resolved by the competent civil Court. Simultaneously initiation of criminal proceedings under Section 145 Cr.P.C. along with the civil proceedings is nothing but abuse of process of the Court. Multiplicity of litigation is not in the interest of parties and by virtue of the same even public money will be wasted and the same would lead to meaningless litigation. Parallel proceedings for one and the same dispute ought not to be continued.

In view of the same, the Criminal Petition is allowed and the proceedings in Roc.G/1497/15, dated 05.6.2015 issued under Section 145 Cr.P.C. are quashed.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date:21.04.2022.

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