

Rajasthan High Court

Tej Singh And Anr. vs State Of Rajasthan And Ors. on 22 July, 2004

Equivalent citations: RLW 2004 (4) Raj 2745, 2004 (4) WLC 127

Author: A Parihar

Bench: A Parihar

JUDGMENT Ashok Parihar, J.

1. Since on same set of facts similar prayers have been made in both the petitions, on request of the counsel for the parties, both the petitions have been heard together and are being decided by this common order.
2. After hearing learned counsel for the parties, I have carefully gone through the material on record and also the orders passed by the courts below.
3. At the very onset it may be observed that proceedings under Section 145 Cr.P.C. are only prohibitory and precautionary to maintain peace, law and order in the area and on the lands in dispute. It is subjective discretion of the authorities concerned to pass necessary orders. The authorities are not required to finally determine the rights of parties in a proceeding under Section 145 Cr.P.C. If any party claims any legal right on a particular land for whatever reasons, they should first get it decided by a competent court and execute the order/decreed, if any, in accordance with law.
4. Since after due consideration of material available on record proper discretion have been used by the revisional court in a proceeding under Section 145 Cr.P.C., in the facts and circumstances, I find no ground for any further interference of this court in the present matter, moreso, when there are rival claims on the lands in dispute. If the petitioners are still aggrieved and claim the ownership/possession over the lands in dispute on the ground of adverse possession or a decree by a competent court, they may get necessary orders from the competent courts in this regard accordingly. In the proceedings under Section 145 Cr.P.C. this court cannot give any finding in regard to possession over the lands in dispute at this stage. Both the petitions are dismissed accordingly as having no merits.