

HONOURABLE SRI JUSTICE S.V.BHATT

WRIT PETITION No. 29581 OF 2014

DATED 21ST JANUARY, 2015.

BETWEEN

P. Balasubramanyam and ors

...Petitioners

And

The Commissioner of Health and Family Welfare,
Andhra Pradesh, Hyderabad and ors.

...Respondents.

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ORDER:

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The petitioners pray for mandamus declaring the action of respondents in not returning the Scanning Machine and other articles which were seized on 29.11.2012 as illegal and arbitrary. The petitioners also pray for release of other goods seized on 29.11.2012.

One of the grounds stated for release of seized goods is that the petitioners applied for registration of the diagnostic laboratory before the third respondent and the same was receiving attention of the third respondent, and pending orders the petitioners were not doing any prohibited activity under law.

This Court ordered notice before admission on 26.09.2014 and in response to the notice issued by this court,

the third respondent filed counter affidavit. Briefly stated the stand of the third respondent is that the petitioners in contravention of Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 were conducting their affairs and seizure was effected in accordance with law. Against the alleged commission or omission under the Rules, a case in C.C.No.196 of 2014 on the file of the learned Second Additional Judicial Magistrate of First Class, Tirupathi is filed and pending.

The learned Counsel for the petitioners having regard to the pendency of C.C.No.196 of 2014 requested the Court to give liberty to the petitioners to avail statutory remedy under the provisions of Criminal Procedure Code for release of the seized goods.

By granting the above liberty, the Writ Petition is dismissed.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in the light of dismissal of the Writ Petition. No order as to costs.

JUSTICE S.V. BHATT

DATED 21ST JANUARY, 2015.
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