

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.39909 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein therefore pray that this Hon'ble Court may be pleased to issue a writ, order or direction especially in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents No.2 to 5 in not handing over the possession of the Flat No.A-3, Mounica Towers, D.No.36-45-2/4, Innespeta, Rajahmundry, East Godavari District, to the petitioner, as illegal, arbitrary and contrary to Crimnal Procedure Code, 1973, and Art 21 of the Constitution of India, and consequently direct the respondent Nos.2 to 5 to hand over the possession of the Flat No.A-3, Mounica Towers, D.No.36-45-2/4, Innespeta, Rajahmundry, East Godavri District to the petitioner expeditiously and pass such other order or orders as are deemed fit and proper.”

Written instructions dated 06.01.2016 were furnished by the Sub Inspector of Police, Rajahmundry II Town Law and Order Police Station, to the office of the learned Government Pleader for Home, wherein he stated that Crime No.119 of 2015 had been registered under Sections 406 and 420 I.P.C. read with Sections 3 and 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, on the file of II Town Police Station, Rajahmundry, East Godavari District, and the tenant of the petitioner who occupied the subject flat was an accused therein. The accused was stated to be absconding. In the meanwhile, as the documents relating to the alleged offence were stored in the petitioner's flat, the same was seized. The Sub-Inspector of Police however stated that as the petitioner claimed that the flat has let out to the accused along with the furniture, the police authorities had no objection to handover the vacant possession of the flat along with such furniture after verifying the receipts in relation thereto.

In the light of the aforestated offer made by the police authorities, the writ petition is disposed of permitting the petitioner to produce before the Sub Inspector of Police, Rajahmundry II Town Law

and Order Police Station, the receipts relating to the furniture available in the flat which was given on rent to the accused. Upon production of such receipts and after taking possession of all other documents that have been stored in the flat which have relation to the offence, the respondent police authorities shall handover the vacant possession of the flat along with the furniture of the petitioner to him. This exercise shall be completed expeditiously and in any event not later than one week from the date when the furniture receipts are produced by the petitioner.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:07.01.2016

GJ