

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44552 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the official respondents for seizing petitioner's flat bearing No.2A, plot No.224, Sai Apartments, Defence colony, Neredmet, Secunderabad with false allegations in reference to crime No.515 of 2016 of Neredmet Police Station, as illegal and arbitrary, and consequently to direct the official respondents to take proper action to re-open the house and handover keys of the above said house.

Heard and perused the material.

The third respondent registered a case for the offences under Sections 3 and 4 of the A.P.Gaming Act, 1974 against eight persons in crime No.515 of 2016. After registration of complaint and investigation, the third respondent has directed the petitioner to take appropriate steps to vacate the accused, who are the tenants of the petitioner's apartment complex, and consequently, the petitioner directed them to vacate the premises and that the accused vacated the premises of the petitioner. Even though the accused vacated the premises of the petitioner, the third respondent along with the Revenue Divisional Officer concerned locked the premises of the petitioner invoking Section 133 of the Code of Criminal Procedure. It is the further case of the petitioner that even as per the investigation or according to his knowledge, there is no complaint by any of the residents in that area where the accused are residing, that there is any nuisance. However, the third respondent seized the premises of the petitioner in the name of preventing nuisance and as such, the petitioner approached this Court seeking a direction for removal of seal of the premises of the petitioner mentioned above and also to set aside the

proceedings initiated under Section 133 of the Code of Criminal Procedure.

Considering the facts and circumstances of the case and also as the petitioner is aged about 73 years and is also not having any bad antecedents, the proceedings initiated by invoking Section 133 of the Code of Criminal Procedure is hereby set aside and the third respondent is directed to handover the keys of the petitioner's premises.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

28.12.2016
pln

JUSTICE RAJA ELANGO

