

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.27588 OF 2016

ORDER:

Heard Mr.M.Atish for petitioner and Mr.L.Prabhakar Reddy for respondents 2 and 3.

The petitioner prays for Mandamus declaring the seizure of building W-2 part in Survey No.616, Industrial Estate, Moula Ali, as illegal, arbitrary, violative of principles of natural justice and unconstitutional.

On 18.08.2016, while ordering notice to respondents, the Court directed parties to maintain *status quo* with regard to subject matter of the writ petition. The *status quo* order granted is subsisting as on date.

The learned standing counsel could neither get instructions nor file counter affidavit to the allegations made by the petitioner in the affidavit.

Mr.Prabhakar Reddy on the other hand, submits that a show cause notice was issued on 12.08.2016 and the seizure complained in the writ petition was effected on 13.08.2016 even before the expiry of period granted through notice dated 12.08.2016.

This Court is of the view that the mode or manner of exercising the power of seizure by respondents 2 and 3 does not appear to be conforming to the requirements of law. The seizure effected on 13.08.2016, having regard to the circumstances stated above, is directed to be removed by 3rd respondent forthwith. The petitioner is given liberty to file explanation within one week from

today and thereafter respondents 2 and 3 are directed to consider and pass an order and communicate to petitioner. The petitioner if finally aggrieved by such communication, he is given liberty to work out the prayer within the four corners of law.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

Date: 16.11.2016
Sp

S. V. BHATT, J

