

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42939 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action on the part of respondent No.3 in handing over the keys of the ground and first floor of the property bearing No.16-2-835/D/4 admeasuring 256 sq.yards situated at Hyderabad to the petitioner or depositing the same before the Court concerned as illegal and arbitrary and consequently, direct respondent No.3 to hand over the keys of the ground and first floor of the said property to the petitioner, as the same is not directly or indirectly required for completion of investigation in Crime No.222 of 2016 on the file of the Central Crime Station, Hyderabad registered for the offences under Sections 420 and 406 I.P.C. being investigated by respondent No.3.

2. Heard and perused the material available on record.

3. It is stated in the affidavit filed in support of the writ petition that the petitioner is the absolute and lawful owner of the aforementioned property comprising of cellar + ground + two floors and he let out the same to one Abdul Rehman, S/o.Syed Mohammed, who approached him in the month of June, 2016 and obtained entire ground floor and first floor on monthly rent of Rs.60,000/- and started running a Super Market by name "S Mart"; that said Abdul Rehman obtained hand loan from various persons and fled away and on the basis of a complaint given by third parties, Saidabad Police registered Crime No.300 of 2016

against Abdul Rehman and seized the super market also and transferred the entire file to respondent No.3; that respondent No.4 has no right to seize the property, which belongs to the petitioner; that though he approached respondent Nos.3 and 4 to release his property on furnishing surety under Section 102 Cr.P.C., respondent No.3, who is presently in charge of the entire case, refused to hand over the keys to him.

4. Respondent No.3 filed counter-affidavit wherein it is stated as under:

***“..... It is submitted that CCS Police have not visited the petitioner’s property so far in connection with the said crime. The petitioner herein is also no way concerned with the said crime. The CCS Police have not put locks or seized the shops that have been leased by the petitioner to the accused. The petitioner has also not approached the Investigating Officer in Crime No.222/2016 u/s.420 & 406 of CCS Police Station and made a request to hand over the keys to him, inasmuch as the CCS Police have not locked the petitioner’s property and kept the keys with them. It is denied that the petitioner has approached the I.O. and requested for handing over of keys.*”**

It is once-again reiterated that CCS Police have not locked the petitioner’s leased premises and have not kept the keys with them.....”

5. Recording the same, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

14.12.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.42939 OF 2016

Date: 14.12.2016

AMD