

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.1179 of 2017

ORDER

This writ petition is filed seeking to declare the action of the 3rd respondent in issuing proceedings dated 24.11.2016 directing the 4th respondent to take action under Section 133 Cr.P.C to seize the property bearing H.No.10-283/4, Prashanth Nagar, Malkajgiri, without issuing any prior notice, as arbitrary and illegal.

The petitioners state that they purchased an individual house bearing No.10-283/4 consisting of ground and first floor at Vasanthapuri Colony, under registered a sale deed dated 29.4.2016. At the time of purchase, there were four tenants and out of them, three vacated and one tenant is continuing. While so, the petitioners received a notice from the Inspector of Police, Malkajgiri Police Station, intimating that about four months back, the tenant used one of the portions for running brothel house and indulged in illegal activities and thus, disturbed the peace and tranquility in the locality. Pursuant to the same, as per the orders of the 3rd respondent, panchanama was conducted by the 4th respondent. Challenging the proceedings of the 3rd respondent dated 24.11.2016, issued under Section 133 Code of Criminal Procedure, in seizing the said property, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that the petitioners are the owners of the property and they have

nothing to do with the illegal activity conducted by the tenant. He further submits that now all the tenants have vacated the subject premises and they need the same for their *bona fide* purpose.

Since Cr.No. 607 of 2016 was registered for the offences punishable under Sections 3,4 & 5 of Prevention of Immoral Traffic (Prevention) Act, 1956, in respect of the said premises, this Court is not inclined to interfere with the impugned order.

However, the petitioner is given liberty to submit a representation to the 3rd respondent within one week from the date of receipt of a copy of this order. As and when the representation is submitted within the time stipulated, the 3rd respondent shall consider the same and pass appropriate orders, in accordance with law, within a period of two weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

2nd February, 2017

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Note: Issue CC by Monday.

