

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.12025 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent No.4 in orally threatening and directing the petitioner to deliver gold ornaments deposited by Smt.Vinjamuri Sva Lakshmi under the guise of registration of Crime No.149 of 2016 for the offences punishable under Sections 420 and 406 of IPC of Gudlur Police Station, Prakasam District.

3. The case of the petitioner is that one Smt. Vinjamuri Sva Lakshmi sanctioned certain loans against pledge of gold ornaments. While sanctioning the loan, the petitioner company obtained necessary documents and followed the guidelines laid therein. While things stood thus, the Sub Inspector of police issued a letter dated 30.03.2017, directing the petitioner company to hand over the gold ornaments deposited by the borrowers on the pretext that a case in Crime No.149 of 2016 was registered against said Smt.Vinjamuri Sva Lakshmi. It is further stated that the police are threatening the employees to return the gold ornaments. Challenging the action of the respondent police in demanding return of all the gold ornaments, without following due process of law, the present writ petition is filed.

4. Learned counsel for the petitioner submits that though the said Smt.Vinjamuri Sva Lakshmi has discharged the entire loan amount, but

still the gold ornaments are with them. If the police intend to secure the said gold ornaments for the purpose of investigation in the said crime, they are always at liberty to take steps under the provisions of Cr.P.C. He submits that the respondent police are highhandedly trying to secure the gold ornaments.

5. Learned Government Pleader, on instructions, denies the allegations made in the affidavit filed in support of the writ petition. He further submits that any action done by the police for securing the gold ornaments will be in accordance with law.

6. Recording the statement made by the learned Government Pleader, the writ petition is disposed of directing the respondent police to follow due process of law for securing the gold ornaments, which are in the custody of the petitioner. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.06.2017

vhb