

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18761 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of Writ of Mandamus declaring the action of respondent No.3 in recovering crime property in connection with crime No.480 of 2016 of Jawaharnagar Police Station registered for the offences punishable under Sections 406, 420, 506 and 427 of Indian Penal Code, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition would show that the petitioner herein claims to have purchased the land in plot No.82 admeasuring 199 S.Yards in survey Nos.611, 612, 613 and 606 part situated at Balajinagar, Jewaharnagar Gram Panchayat, Mohannagar Colony, Kapra Mandal, Medchel (Ranga Reddy) District, from one S.Ramakondaiah on 27.01.2012, for a sale consideration of Rs.1,91,000/-. Subsequently, in November, 2015 the said house plot was given to unofficial respondents for construction, who created false documents in respect of said land and took possession of the house after its construction. When the petitioner questioned the same, the unofficial respondents threatened him with dire consequences and also filed a false case against the petitioner for the offence punishable under the provisions of SCs & STs (POA) Act. Complaining about the illegal and dishonest acts of respondents 4 and 5 herein, the petitioner herein lodged a report against the unofficial respondents and others. Basing on said report, a case in crime No.480 of 2016 came to be registered for the

offences punishable under Sections 406, 420, 506 and 427 IPC. It is the case of the petitioner that after due investigation police filed charge sheet. The grievance of the petitioner is that *in spite* of filing of charge sheet, till date the possession of the crime property i.e. house property referred to above was not restored to the petitioner. Hence, alleging inaction on the part of the official respondents, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Home. With their consent, the Writ Petition is disposed of at the stage of admission itself. Since this Court is not going into the merits of the case, there is no necessity to issue notice to unofficial respondents.

The relief sought by the petitioner in this writ petition is to direct the respondents-Police to recover the case property i.e. the house, in connection with crime No.480 of 2016 and restore the same to the petitioner. I am afraid, such a relief cannot be granted while exercising powers under Article 226 of the Constitution of India. Even assuming for the sake of argument that unofficial respondents herein have created a false document and illegally occupied the premises of the petitioner, still the respondents-Police have no power to restore the possession of the property in favour of the petitioner. The remedy lies elsewhere. Petitioner may have to approach the concerned Civil Court and seek appropriate orders. Merely because a charge sheet has been filed against the unofficial respondents, the Police are not having any power nor can any power be bestowed on them for taking steps to restore the

immovable property in favour of the petitioner. Hence, I see no merits in this Writ Petition.

Hence, the Writ Petition is dismissed leaving it open to the petitioner to avail the remedies available under law for redressal of his grievance.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No costs.

C. PRAVEEN KUMAR, J

12.06.2017
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