

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20708 of 2017

ORDER:

This Writ Petition is filed seeking the following relief:

“....to issue an order more appropriate Writ or Order or direction, particularly, one in the nature of Writ of a Mandamus declaring the action of respondent No.2 in seizing the machinery of the petitioner under Panchanama dt.29.09.2016 and keeping the same under the custody of the respondent, without passing any order on the enquiry initiated by the 2nd respondent under the provisions of Pre-conception and Pre-natal Diagnostics Techniques Act, 1994, as illegal, unjust, arbitrary and consequently, direct the respondent No.2 to release the machinery forthwith seized under panchanama dt.29.09.2016 and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

It is not in dispute that the seizure has been affected by the 2nd respondent, invoking the powers under Section 30 of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (in short “the Act”).

Heard the learned counsel for the petitioner. Learned Government Pleader for Medical and Health (Telangana) has submitted that a case has been registered based on the complaint under Section 28 of the Act before the Court of the VII Additional Chief Metropolitan Magistrate at Hyderabad and the same is numbered as C.C.No.497 of 2017.

Through the seizure has been affected invoking the provisions under Section 30 of the Act, particularly under sub-section (2) of Section 30 of the Act, the procedure that is applicable being under the provisions of the Criminal Procedure Code, the petitioner shall be at liberty to approach the competent Criminal Court and obtain appropriate orders. It is made clear that since the seizure has been affected to the equipment installed, which cannot be moved and

which is in the custody of the complainant-District appropriate authority under the Act, the learned Magistrate shall take this aspect into consideration and deal with the Application of the petitioner as and when the same is filed.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 04.10.2017

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