

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43270 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“... to issue a writ or order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 5th respondent being an Officer of the 4th respondent Station House in not releasing the petitioner's property bearing Regn.Nos.(1) Tipper bearing Regn.No.RJ-27-GA-1874 (2) Dozer bearing Regn.No.MH-30-J-8866 (3) Motor Vehicle Bajaj Pulsar bearing Regn.No.TS16-EG-7810 (4) Two Mobile phones one is Carbon K9 model smart phone and another is Samsung mobile phone 360 model is arbitrary, bad and illegal and violation of principles of natural justice, contrary to law, without jurisdiction, violation of Article 14 and 300A of The Constitution of India biased one and contrary to the procedure contemplated under G.O.Ms.No.15 dated 19.02.2015. Consequently direct the 4th respondent to release the property as stated supra by initiating proper departmental action against the 5th respondent for his high handed action in the interest of justice.”

Learned counsel for the petitioner would submit as follows: -

‘Despite complying with all the necessary conditions, the 4th respondent, Station House Officer, Renjal P.S., Nizamabad District, has not released the vehicles and properties of the petitioner and kept the same with him even without producing the seized vehicles and property within the time permissible under law or within a reasonable time before the Court of the learned Magistrate concerned and caused enormous loss to the

petitioner though it is represented before the said authority that the income from the vehicles is the only source of livelihood for the petitioner and his family members.’

Learned Government Pleader representing the respondents 1 to 4, on instructions, would submit that the investigation into the crime is in progress and that the seized property was deposited before the Court of the learned Additional Judicial Magistrate of First Class, Bodhan, vide CFR.No.2241 dated 26.10.2017, through Form No.60.

In that view of the matter, the Writ Petition is disposed of giving liberty to the petitioner to approach the learned Additional Judicial Magistrate of First Class, Bodhan, for release of the subject vehicles and properties. On the petitioner filing appropriate application as per procedure before the said learned Magistrate, the learned Magistrate shall release the same after imposing necessary reasonable conditions subject to his/her satisfaction, within two (02) days of filing such application by the petitioner.

Before parting, having considered the attitude of the Station House Officer, Renjal Police Station, Nizamabad District, who is impleaded as eo-nominee 5th respondent and the way he has conducted himself in the matter, this Court is of the considered view that there shall be an appropriate direction to the Commissioner of Police, Commissionerate Office, Nizamabad District, to examine, in detail, the grievance of the petitioner herein against the said respondent and if necessary initiate appropriate action against the said respondent.

There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

22.12.2017

Note: Issue CC by 23.12.2017.

[B/o]

Vjl

