

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10052 of 2018

ORDER:

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

“For the reasons stated in the affidavit filed in support of this writ petition the petitioner humbly prays that this Hon’ble court may be pleased to issue to a writ, order or direction and more particularly in the nature of writ of Mandamus declaring that the action of the 2nd Respondent in attaching/seizing the properties of the Petitioner in CC.No.10 of 2016 on the file of the Hon’ble Special Judge for SPE and ACB Cases, at Nellore is illegal, arbitrary and violative of principles of natural justice and further direct the 2nd Respondent to return the documents of the Petitioner seized / attached in C.C.No.10 of 2016 Hon’ble Special Judge for SPE and ACB Cases, at Nellore and to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case and in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Ch.Venkat Raman*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the 1st respondent, and of Sri *P.Udaya Bhaskara Rao*, learned Standing Counsel for the 2nd respondent. I have perused the material record.

3. Having regard to the nature of the relief claimed in the writ petition, this Court is of the considered view that the petitioner could as well approach the Special Court for Trial of SPE and ACB Cases, Nellore, before which the C.C.No.10 of 2016 is pending.

4. Learned counsel for the petitioner would submit that the writ petition may be disposed of reserving liberty to the petitioner to seek appropriate relief from the said Special Court.

5. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to approach the Special Court and seek the relief claimed in the instant writ petition, however, by following the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 28th March, 2018

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