

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14143 of 2018

ORDER:

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

“For the reasons disclosed in the annexed Affidavit, it is prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondent No.2 in sealing the property of the Petitioners bearing Municipal No. 8-2-708/3 situated at Khajanagar, First Lancer, Hyderabad, and preventing the Petitioners and their family from staying in their said property, as being illegal, arbitrary and unconstitutional and in breach of principles of natural justice and consequently direct the Respondent No. 2 to open the lock and seal of the property of the Petitioners bearing Municipal No. 8-2-708/3, situated at Khajanagar, First Lancer, Hyderabad, and not to prevent the Petitioners from staying in their said property, in the interest of justice and pass such other suitable order or other orders as are deem fit and proper in the circumstances of the present case.”

2. I have heard the submissions of Sri *Pawan Kumar Agarwal*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Home (Telangana), appearing for the respondents 1 & 2. I have perused the material record.

3. The case of the petitioners, in brief, is this: ‘They are the absolute owners of the property bearing Municipal No.8-2-708/3, admeasuring 55 square yards, situated at Khajanagar, First Lancer, Hyderabad. In the month of January, 2018, the Station

House Officer, Humayunnagar Police Station, Hyderabad/2nd respondent herein, arrested the two sons of the sister of the 1st petitioner on the allegations that they were involved in a murder case and that a crime has been registered against them and others. Later, the Police Officers seized the house property afore-stated and put seals on the same and prevented the petitioners and their family members from inhabiting the property. The said acts of the Police Officers are illegal, arbitrary and unconstitutional. Hence, the present writ petition is filed.'

4. Learned Government Pleader for Home, on written instructions, dated 25.04.2018, a copy of which is placed on record, would submit that on a complaint, a case in Crime No.25 of 2018 was registered, on the file of Humayunnagar Police Station, for the offences punishable under Sections 302, 307, 324 read with 34 of Indian Penal Code, 1860, and Section 27 of the Arms Act; that the 1st accused in the said crime is admittedly the nephew of the 1st petitioner herein; that A-1 and A-2 in the said crime are rowdy sheeters; that A-3 is their friend; that A-4 is their cousin; that during the course of investigation, it is revealed that after commission of the offence, the accused 1 and 2 went to their respective houses; that A-1 concealed the blood stained knife and his blood stained clothes in the subject house and escaped; that similarly, A-2 went to his house, changed his blood stained clothes and escaped; that A-3 also indulged in similar acts; that A-4 also fled away from the scene of offence on his vehicle; that as per the information collected by the Investigating Officer, the 2nd accused is also related to the petitioners; that the Police Officer is investigating into the case, as contemplated under law; that the

accused are notorious criminals; that the property was never put under lock and key and was not sealed by the Police Officers; that infact, no other part of the investigation into the crime is related to the subject property; and, that the subject property is within the limits of Banjara Hills Police Station, Banjara Hills, Hyderabad.

5. In view of the submission of the learned Government Pleader for Home, made on the instructions received from the Police Officer, the learned counsel for the petitioners submits that recording the said submissions, liberty may be reserved to the petitioners to remove the seal and open the lock put on the subject premises and enter the house.

6. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioners to remove the seal allegedly put on the subject house and also the lock and enter the subject house property, if they so desire, however, after giving advance intimation about the date and time of the said proposed action to the Assistant Commissioner of Police, Asif Nagar, Hyderabad. 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: 27th April, 2018

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