

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14944 of 2018

ORDER:

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

“..to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondents in with holding the keys of the shutters of my business premises bearing No.16-11-23/16/A, at the instance of Respondents 5 to 10 in contrary to law, illegal and violating the Article 19, 21 & 300-A of the Constitution of India and consequently direct the respondents No.4 to hand over the keys of shutters of my business premises bearing No.16-11-23/16/A to the Petitioner and pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.’

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home (T.G.) appearing for respondents 1 to 4. I have perused the material record.

3. The case of the petitioner, in brief, is this: ‘He is a business man eking out livelihood by doing business in the name and style ‘New Ferdos Café’ in the premises bearing No.16-11-23/16/A, situated at Moosarambagh, Hyderabad. In the year 1987, he is having a lease agreement with the late father of the unofficial respondents 5 to 10. After the demise of the lessor, in the year 2005, the respondents 5 to 10 allowed the petitioner to continue his business in the premises.

Thereafter differences arose between the petitioner and the said unofficial respondents. The petitioner was renovating the premises by erecting false-ceiling and undertaking plumbing work. While the said work is in progress, at the instance of unofficial respondents 5 to 8 and 10, the 9th respondent had broken open the lock of the shutters and prevented the petitioner and his staff from entering into the premises; that resulted in a criminal case in case in Crime no.64 of 2018 registered, on 08.04.2018, for the offences punishable under Sections 448 & 427 of IPC. On the report of the petitioner, the 4th respondent along with his staff, came to the business premises/subject premises of the petitioner and prevented the petitioner from entering into the premises and, the 4th respondent immediately sealed the premises and took the keys along with him so as to restrain the 9th respondent and others from causing further damage to the business premises of the petitioner. However, later, the key of the lock put on the premises was not returned to the petitioner despite his requests. Hence, the present writ petition is filed.'

Learned Government Pleader for Home, on written instructions, dated 25.04.2018, a copy of which is placed on record, would submit that on the complaint of the petitioner, the afore-stated crime was registered; that except investigating into the afore-stated crime, no further acts are done by the police officers; that no keys of the lock allegedly put on the business/subject premises of the petitioner were taken by the police; that the police have no role to play in the alleged episode; and, that the allegations in the writ petition are all false and baseless.

Thus, the learned Government Pleader, on instructions from the police officer concerned, submits that the police have not put the lock over the subject premises and that the key of the lock put on the premises is not with the police officers.

From the submissions of both the sides, it is *prima facie* discernable that the subject premises was in the occupation of the petitioner herein by the time the lock was put on the premises by whomsoever concerned. Hence, this Court is of the considered view that this writ petition can be disposed of with appropriate directions.

Accordingly, the Writ Petition is disposed of reserving liberty to the petitioner, if he so desires, to open the lock put on the subject premises and enter the premises, however, after giving advance intimation to the 3rd respondent-Deputy Commissioner of Police, East Zone, Police Grounds, Amberpet, about the date and time of such proposed action of the petitioner.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

25.04.2018

Note: Issue CC by 27.04.2018.

[b/o]

Vjl