

HONOURABLE SRI JUSTICE A. RAJASHEKAR REDDY.

WRIT PETITION No. 18860 OF 2018.

ORDER :

This writ petition is filed seeking mandamus to declare the Proceedings No. L&O/557/2018, dated 02/04/2018 passed by the third respondent/Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy district directing to seize the house bearing No.2140, Nalagandla village, Sherilingampally Mandal, Ranga Reddy, as illegal, arbitrary and in violation of the principles of natural justice and contrary to the provisions of the Code of Criminal Procedure and consequently to set aside the aforesaid proceedings passed by the third respondent and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. The case of the petitioner is that he challenges the impugned notice, vide Proceedings No. L&O/557/2018, dated 02/04/2018 passed by the third respondent/Sub-Divisional

Magistrate-cum-Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy district, wherein and whereby the petitioner was directed to show cause within seven days of receipt of the said notice, as to why the premises bearing No.2140, Nalagandla village, Sherilingampally Mandal, Ranga Reddy district shall not be attached for improper use of the same.

3. In pursuance to the above impugned notice issued by the third respondent, the petitioner submitted his explanation on 12/04/2018 but the third respondent without passing any orders on the explanation submitted by the petitioner, seized the above premises.

4. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home [TG] appearing on behalf of the respondents.

5. The learned Assistant Government Pleader for Home produced written instructions stating that a suo moto case was registered by the Station House Officer, Chandanagar Police

Station on the mediators report regarding organization of brothel house at the premises bearing No. M.I.G. 2140, Nalagandla on 19/6/2017, which is the subject matter of Crime No.81 of 2018 registered for the offences punishable under section 360, 370 [A] [2] of I.P.C. and section 3, 4, 5 and 6 of P.I.T. Act and investigated into. It is stated that the investigation revealed that accused Nandikanti Srinivas son of N.Ramulu, aged about 50 years, Occupation Brothel House Organizer is the resident of Khairtabad, who came long back to Chandanagar and at present staying at Papireddy colony, Chandanagar, his wife expired 15 years back and he had no children, staying lonely. It is stated that he is running prostitution importing woman from various places, he took one portion of the house bearing No. MIG.2140 for Rs.5,500/- on rent and after that when he contacted with the victims, Manga @ Mangamma and Jyothi, who in turn agreed to do prostitution work and in the meantime four days back, one woman Rubeena Akther, who is the Bangladesh national came to

Calcutta and from there to Secunderabad and she was introduced by Accused No.2 running prostitution with the above three victims at MIG.No.2140. After completion of investigation, appropriate charge sheet was also filed before the Court of XIX Metropolitan Magistrate at Kukkatpally on 30/4/2018. It is further stated that keeping in view of the above circumstances, a requisition dated 25/2/2018 was filed by the Sub-Inspector of Police, Chandanagar Police Station before the Revenue Divisional Officer seeking to seize the above premises which belongs to Sri Bhavani Mallesh son of B.Narayana.

6. The learned Assistant Government Pleader on instructions submits that the Police have not seized the above mentioned premises but they only recommended the matter to third respondent.

7. It has to be seen that no order is produced before this Court regarding the seizure of the petitioner's house and the learned Assistant Government Pleader on instructions submits that

the Police never locked or seized the premises. There is no allegation against the petitioner except stating that the house belong to petitioner.

8. In view of the same, third respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order on the explanation submitted by the petitioner after affording reasonable opportunity of hearing to the petitioner. Till then, the respondents shall not interfere with the personal liberty and rights of the petitioner in respect of the subject premises without following due process of law.

9. With the above direction, this writ petition is disposed of at the admission stage. No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of. No costs.

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