

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.1335 of 2018

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned Standing Counsel for the appellant-Nizampet Gram Panchayat, which is the third respondent in W.P. No. 34506 of 2018. That Writ Petition is one instituted by eleven persons by impeaching the action taken by the Officers of the appellant-3rd respondent in sticking notices which say that certain shop premises are seized.

2. Seizure is an activity, by which a person is excluded from the premises which is seized. The premises that is seized also comes into the authority of the person, who exercised the power of seizure. The power of seizure in relation to immovable property or movable property has to be in conformity with the provisions of the Law which authorizes such seizure. Otherwise, it may tend to infract different Constitutional and statutory safeguards in relation to such premises. We say all this only to indicate that this is not a case for us to interfere through an *intra-Court* Letters Patent Appeal since we do not see any error of jurisdiction or legal infirmity in the impugned interlocutory order issued by the learned Single Judge. This is all the more so because, the appellant is entitled to file a counter-affidavit and an application requesting that the interlocutory order be vacated. The learned Single Judge will then have the opportunity of hearing the parties further and take appropriate action since what is impugned before us is only an ad-interim interlocutory order. We

see no grounds to interfere with the impugned interlocutory order through this Writ Appeal and would preserve all contentions to be raised before the learned Single Judge including in the vacate stay petition.

3. The Writ Appeal is, accordingly, dismissed without prejudice to what has been stated above.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

Date: 5th October, 2018

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