

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Petition No.8390 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking a Writ of Mandamus declaring the action of the 2nd respondent/Sub Divisional Magistrate and Revenue Divisional Officer, Bhongir, in passing order No.A/5266/2016, dated 16.07.2018, directing the 5th respondent/Tahsildar & Executive Magistrate, Yadagirigutta Mandal, to take immediate custody of Lodge being run in the name and style of 'Surya Family Rooms' at Yadagirigutta Village, as illegal, arbitrary and violative of Articles 14, 21 and 300A of the Constitution of India, and consequently to set aside the same.

2. Heard Sri M.A.K.Mukheed, learned counsel for the petitioner, Sri G.Malla Reddy, learned Assistant Government Pleader for Home representing the respondents 1 and 3 and perused the record.

3. It has been contended on behalf of the petitioner that the petitioner's lodge being run in the name and style of 'Surya Family Rooms' situated at Yadagirigutta village, was ordered to be seized by the 2nd respondent, vide order No.A/5266/2016, dated 16.07.2018, on the allegation that the said lodge was being used for prostitution. It is also submitted that the petitioner submitted a representation to the 2nd respondent on 24.09.2018 to release the lodge in her favour for the reasons stated therein. Though the 2nd respondent is required to enquire into the matter and act upon the representation, dated 24.09.2018, submitted by the petitioner, in accordance with law, no action has been taken so far.

4. There is no much dispute with regard to the seizure of the lodge belonging to the petitioner, being run in the name and style of 'Surya Family Rooms' situated at Yadagirigutta Village, by the 2nd respondent/Sub Divisional Magistrate and Revenue Divisional Officer, Bhongir, vide order No.A/5266/2016, dated 16.07.2018. When the petitioner has submitted a representation, dated 24.09.2018, to the 2nd respondent requesting to release the lodge in her favour, the 2nd respondent is supposed to dispose of said representation in accordance with law. Much time has elapsed from the date of submission of the application, dated 24.09.2018, by the petitioner. However, no action has been taken on the said representation so far.

5. Under these circumstances, the 2nd respondent/Sub Divisional Magistrate and Revenue Divisional Officer, Bhongir, is directed to dispose of the representation, dated 24.09.2018, submitted by the petitioner, in accordance with law, as expeditiously as possible, preferably within a period of two (02) months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of at the stage of admission. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

22nd April, 2019
Bvv

Dr. SHAMEEM AKTHER, J