

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10534 OF 2018

ORDER

Challenge in this writ petition is to the order dated 12.11.2016 passed by the Sub-Divisional Magistrate-cum-Revenue Divisional Officer, Malkajgiri Division, Medchal-Malkajgiri District, in purported exercise of power under Section 133 CrPC. By the said order, the house property of the petitioner situated at H.No.2-22-253, Telangana Gramina Bank Apartment, 3rd floor, Bhagyanagar Colony, Kukatpally, was seized.

Perusal of Section 133 CrPC demonstrates that no power of seizure can be exercised thereunder in relation to an immovable property.

Learned Assistant Government Pleader for Revenue fairly concedes this position but states that the authorities could have taken recourse to the provisions of the Immoral Traffic (Prevention) Act, 1956 as a case was registered under the said Act in relation to the petitioner's property.

In the light of the aforestated facts and as it is admitted that the impugned order dated 12.11.2016 is bereft of jurisdiction, the writ petition is allowed setting aside the same. The petitioner's property shall be released from the seizure effected thereunder and returned to him forthwith. This order shall however not preclude the authority from taking recourse to the relevant law in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th JUNE, 2019

Note: Issue C.C. in two days.
B/ o Svv

