

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11043 OF 2018

ORDER:

1 The grievance of the petitioners is that the Sub-Divisional Magistrate and Revenue Divisional Officer, Malkajgiri, seized his house property situated in the 4th floor of the building in Plot No.297/1, Addagutta Society, KPHB Colony, Hyderabad.

2 Though Notice before Admission was ordered in this case as long back as on 04.4.2018, the respondents have not chosen to file their counter affidavits. Learned Assistant Government Pleader for Revenue, State of Telangana, states that no instructions have been furnished to him in the matter.

3 Perusal of the impugned proceedings dated 01.10.2017 of the Sub-Divisional Magistrate and Revenue Divisional Officer, Malkajgiri, indicates that a complaint was made by the police and pursuant thereto, he directed seizure of the subject premises under Section 18 of the Prevention of Immoral Traffic Act, 1956. The Tahsildar, Kukatpalli Mandal, was directed to take custody of the property and in consequence, Memo dated 29.12.2017 was issued by the Tahsildar, Kukatpalli Mandal, directing the Mandal Girdavar to seize the property.

4 According to the petitioners, the seized premises was given on lease to a third party and due to alleged misuse by the tenant, the property has been under seizure for nearly two years without even putting them on notice.

5 Perusal of the record reflects that there is not even a mention of the petitioners having been put on notice, be it before the seizure or after. It is not even the case of the learned Assistant Government Pleader for Revenue that post seizure, an opportunity was given to the petitioners.

6 It is not open to the authorities to adversely affect the property rights of an owner in this manner without even giving him an opportunity. Be it noted that the petitioners' property has been under seizure since December 2017, and the petitioners' representation which was received on 07.02.2018 in this regard has not even been given any consideration.

7 The Writ Petition is accordingly disposed of directing the Sub-Divisional Magistrate and Revenue Divisional Officer, Malkajgiri, to pass appropriate orders as per law upon the petitioners' representation dated 07.02.2018 expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order, be it from whatever source.

8 Pending miscellaneous applications, if any, in this Writ Petition shall stand closed.

SANJAY KUMAR, J.

Dt: 18.06.2019

Kvsn