

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.38415 OF 2018

ORDER:

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of respondent No.3 passing the order vide proceedings No.C/1196/2018, dated 07.08.2018 by ordering to seize the property bearing Flat No.G1, Sai Tirumala Nivas Apartment Hitension Road, Prashanth Nagar, Kapra, Keesara Division of Medchal-Malkajgiri District by invoking Section 18(1) of PTI Act with immediate effect basing on the letter issued by 4th respondent police dated 20.07.2018 and in continuation of the same seized the Flat by the police even without issuance of any show cause notice before passing of the order as mandatory under PTI Act, are illegal and against the statute and in violation of law and procedure including various rulings of this Hon'ble Court and consequently to set aside the order of the 3rd respondent by directing the respondents to release the seized property and hand over the same to the petitioners.”

2. Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue appearing for respondent Nos.1 to 3, the learned Government Pleader for Home appearing for respondent No.4 and perused the record.

3. It is contended on behalf of the petitioners that erroneously without there being jurisdiction, respondent No.3 has seized the premises bearing Flat No.G1, Sai Tirumala Nivas Apartment, Hitension Road, Prashanth Nagar, Kapra, Keesara

Division of Medchal-Malkajgiri District, belonging to the petitioners.

4. In the course of submissions, it has come to light that six months have been elapsed after passing the impugned order. Since much time has been passed, it is not appropriate to adjudicate the merits of the impugned order of seizure now.

5. However, the petitioners can submit an application to the third respondent-Sub-Divisional Executive Magistrate and Revenue Divisional Officer putting forth their grievance. In the event of filing of such an application, the 3rd respondent shall examine and dispose of the same, in accordance with law, as expeditiously as possible.

6. With the above observation, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 30.04.2019
ssp