

Suryadevara Nageswara Rao vs The State Of Andhra Pradesh, on 3 February, 2022

Author: Cheekati Manavendranath Roy

Bench: Cheekati Manavendranath Roy

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.24040 of 2021

ORDER:

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This Writ Petition for a mandamus is filed to declare the inaction of respondents 2 and 3 in removing the seal of the godown even after the F.I.R in Crime No.167 of 2019 of Lalapet Police Station was quashed by this Court as illegal and consequently sought direction to respondents 2 and 3 to remove the official lock and seal of the godown.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

It appears from the record that a case in Crime No.167 of 2019 was registered by Lalapet police against the tenants of the petitioner for the offences punishable under Sections 420, 188, 272, 273 IPC and under Sections 56, 57, 63 of the Food Safety and Standards Act. The Investigating Officer has seized certain machinery in connection with the said crime and also sealed the godown of the petitioner and kept it under the lock key. On a petition filed by the accused in the said crime under Section 482 Cr.P.C in Criminal Petition No.4789 of 2019, the said F.I.R registered against the tenants of the petitioner was quashed by this Court.

The petitioner claims to be the owner of the said godown. It is his grievance that even after the said F.I.R was quashed that the police did not remove the seal of the godown and they have not unlocked the key.

The fact that the petitioner is the owner of the said godown is not disputed before this Court. Learned Assistant Government Pleader for Home, on instructions, would submit that as nobody approached the police claiming the said property that the possession of the same was not delivered. He would submit that if the owner of the property approaches the police, the police are ready to deliver the possession of the same to him as the F.I.R was quashed by this Court.

Therefore, in the said facts and circumstances of the case, the Writ Petition is disposed of with a direction to respondent 3 to remove the seal and unlock the godown that was seized.

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

----- JUSTICE CHEEKATI
MANAVENDRANATH ROY Date: 03.02.2022 AKN THE HON'BLE SRI JUSTICE CHEEKATI
MANAVENDRANATH ROY WRIT PETITION No.24040 of 2021 Date: 03-02-2022 AKN