

**THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY**

**WRIT PETITION No.2613 of 2022**

**ORDER:-**

This Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a Writ, Order or Direction more particularly one in the nature of Writ of *Mandamus* by declaring the inaction on the part of the respondent No.2 in considering the Representation dated 23.4.2019 submitted by the petitioners for return of their original sale deed bearing Document No.924/2005, dated 10.2.2005 along with link documents that were seized from the possession of the petitioners by the respondent No.2/Police in connection with Crime No.12/RCO-CIU-HYD/2016 registered against one M. R. Prasanna Kumar as illegal, arbitrary and violative of Articles 14, 21 and 300A of the Constitution of India and consequently direct the respondent No.2 to return the said original sale deed and link documents to the petitioners.

2. The case of the petitioners is that a case in Crime No.12/RCO-CIU-HYD/2016 was registered against one M.R.Prasanna Kumar under the provisions of Prevention of Corruption Act. During the course of investigation on 30.8.2016 (Sic.,30.7.2016?) the respondent No.3 herein visited the house of the petitioner No.1 and conducted the search in relation to the said Crime and both the petitioners were called by the respondent No.2 to attend his office at Hyderabad on 07.8.2016 with the original documents relating to their house. Accordingly, when they went with the documents, the respondent No.2/police have taken the original sale deed and also the link documents and did not return and also did not give any acknowledgment. The petitioners made several oral requests for return of the documents but the same are not returned and finally they gave a representation on 23.4.2019 requesting the respondent No.2 to return the documents seized from their possession. The respondents did not consider the same and release the documents. Hence the writ petition.

3. Heard both sides and perused the record.

4. Learned Standing Counsel for Anti Corruption Bureau-cum-Special Public Prosecutor filed a memo, dated 06.7.2022 along with 1) Proceedings of the Prl. Special Judge for Trial of SPE and ACB Cases at Hyderabad, dated 21.2.2022 and Memo No.319507/SE.Vig.I(1)/2016, dated 30.5.2020 of Education (SE:VIG) Department and stated that necessary orders may be passed. The Memo dated 30.5.2020 reveals that after careful examination of the report, it has been observed that the ACB is relying on some circumstantial evidence to link M.R. Prasanna Kumar, Principal, IASE, Rajahmundry and Director of Government Examinations, AP (I/c) with the alleged crime committed in the vicinity of the working space of the officer, who was on special duty entrusted by the Government with limited scope of work and that no amount of money was recovered or traced with him or in his chambers or with any personnel in his office. Therefore, Government decided to conduct departmental enquiry against M.R. Prasanna Kumar, formerly Director of Government Examinations (I/c), A.P. instead of prosecution.

5. In view of the fact that the Government is not inclined to grant sanction in favour of the prosecution, the learned Principal Special Judge for Trial of SPE and ACB Cases, Hyderabad passed an order in Inward No.103 of 2022 in Cr.No.12/RCO-ACB/CIU/2016, dated 21.2.2022. It reads that in view of lack of sanction, the Court cannot take cognizance of the case and that proposal is for departmental enquiry. Hence, the learned Sessions Judge closed the FIR and also directed to return the record and cash to the complainant under proper acknowledgment as they want to file the record in department proceedings.

6. Learned Standing Counsel for Anti Corruption Bureau-cum-Special Public submits that he has no objection to direct the authorities to consider the representation dated 23.4.2019 submitted by the petitioners.

7. In view of the facts and circumstances that the criminal case registered against M.R. Prasanna Kumar relating to which the documents of the petitioners were seized, has been closed, this Court deems it fit to direct the concerned respondent authorities, to dispose of the

representation dated 23.4.2019, submitted by the petitioners 1 and 2 herein, as expeditiously as possible, in accordance with law, preferably within a period of two (2) weeks from the date of receipt of a copy of this order, Accordingly, the writ petition is disposed of. No costs.

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

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**JUSTICE K. SREENIVASA REDDY**

Dated: 21.2.2023  
GR

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4. Learned Standing Counsel for Anti Corruption Bureau-cum-Special Public Prosecutor submits that the Government did not give sanction for the prosecution of M.R.Prasanna Kumar against whom the crime was registered and in connection of which searches were conducted and the documents of the petitioners were seized and that the learned the Prl. Special Judge for Trial of SPE and ACB Cases at Hyderabad, also closed the FIR by not taking cognizance of the case for want of sanction and that the departmental proceedings will be initiated against the said M.R. Prasanna Kumar and therefore he has no objection to direct the authorities to consider the representation dated 23.4.2019 submitted by the petitioners.