

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

Writ Petition No.10993 of 2006

01.06.2006

BETWEEN

B.Prabhakar Rao s/o Mallaiah

.....PETITIONER

AND

The Principal Secretary to the Government of A.P., Home (General-B)  
Department, Secretariat, Hyderabad and another.

.....RESPONDENTS

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

Writ Petition No.10993 of 2006

**ORDER:**

The petitioner seeks a writ of Mandamus to set aside the auction notice, dated 18.05.2006, issued by the second respondent for sale of items of property of an accused in C.C.No.7 of 2001.

The petitioner contends that the auction notice itself provided for inspection of documents relating to the properties in the office of the second respondent, and on such inspection, he could find several defects as to the title of the property. He contends that unless various issues raised by him in his representation, dated 27.05.2006, are clarified, it may not be possible for him to participate in the auction, and accordingly, seeks the relief referred to above.

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

On the face of it, this writ petition is not maintainable in law. The properties held by an accused in a criminal case are sought to be sold. It is axiomatic that whenever any property is sought to be sold, be it, by any Court or agency, the purchaser has to accept the same on as is where is basis. The question of issuing any clarification or improving the situation does not arise.

The writ petition is misconceived and is accordingly dismissed. No order as to costs.

---

01.06.2006

VGB/KVNI