

WEB COPY

WP No. 27459 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 27459 of 2025

Latha

W/o.Balaraman

..Petitioner

Vs

1. The Corporation Welfare Officer
Corporation Of Hosur, Hosur, Krishnagiri
District.
2. The District Collector
Krishnagiri, Krishnagiri District.
3. The Tahsildar
Hosur Taluk, Krishnagiri District.
4. The Inspector Police
Hosur Town Police Station, (law And Order)
Hosur, Krishnagiri District.

..Respondent(s)

Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the respondents to de-seal and remove the lock and seal from the petitioners property comprised in survey



No.315 situated at 4th floor, 100 Feet Matham Road, Esquires Plaza, Hosur, Krishnagiri District, Pin-635 109.

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For Petitioner:

Mr.J.Pradeep

For Respondents:

Mr.M.Sivavarthanan

Government Counsel, for R1 to R3

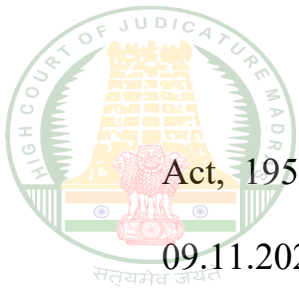
Mr.Durai Gunasekaran

Government Counsel, for R4

ORDER

The petitioner has approached this Court seeking a direction to the respondents to remove the lock and seal affixed to the petitioner's property situated on the fourth floor, bearing Survey No.315, 100 Feet Matham Road, Esquires Plaza, Hosur, Krishnagiri District, and to restore possession of the premises.

2. The petitioner claims to be the absolute owner of the said property. According to the petitioner, the premises were leased to one Ms. Dhanalakshmi under a rental agreement dated 24.01.2024 for the purpose of running a beauty parlour in the name and style of "Lovely Beauty Parlour." It is the petitioner's case that the fourth respondent conducted a raid in the said premises on the allegation that the tenant, who has been arrayed as the fifth respondent, was carrying on illegal activities, namely prostitution. Pursuant to the raid, the fourth respondent registered FIR in Crime No.594 of 2024 for the offences punishable under Sections 3(2)(a), 4(1) and 5(1)(a) of the Immoral Traffic (Prevention)



Act, 1956. During the course of the investigation, the third respondent, on 09.11.2024, locked and sealed the premises belonging to the petitioner.

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3. I have heard the learned counsel appearing for the parties and carefully perused the material placed on record.

4. The issue that arises for consideration is whether the respondents have the authority under the provisions of the Immoral Traffic (Prevention) Act, 1956 to lock and seal the petitioner's premises during the course of investigation.

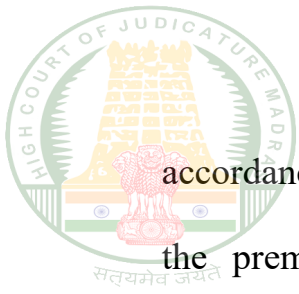
5. Section 18 of the Immoral Traffic (Prevention) Act, 1956 deals with the closure of a brothel and the eviction of persons using the premises for immoral activities. The provision lays down a specific procedure to be followed before any such action can be taken. Under the said provision, whenever a Magistrate receives information, either from the police or from any other source, that any house, room, place or portion thereof is being used as a brothel or is being used by prostitutes for carrying on prostitution, the Magistrate is required to issue a notice to the owner, landlord, lessor, tenant, lessee, occupier, or any other person having control over the premises. Such notice must call upon the person concerned to show cause, within seven days from the date of receipt of the notice, as to why the property should not be proceeded against on the ground of improper use.



6. After issuing notice and affording an opportunity of hearing to the persons concerned, if the Magistrate is satisfied that the premises are in fact being used as a brothel or for the purpose of prostitution, the Magistrate may pass an order directing the eviction of the occupier within seven days. The Magistrate may also direct that, for a period of one year from the date of such order, the owner, lessor or landlord shall not lease or otherwise permit occupation of the premises without obtaining the prior approval of the Magistrate.

7. A plain reading of Section 18 makes it clear that the power conferred under the provision is limited to directing closure of the premises through the procedure prescribed therein, ordering eviction of the persons concerned, and regulating future occupation of the property. The statute specifically requires the intervention of the Magistrate and mandates compliance with the principles of natural justice by issuing notice and providing an opportunity of hearing before any adverse order is passed.

8. Significantly, Section 18 does not confer any power upon the police authorities to lock or seal the premises merely because an investigation is pending. The Act does not contain any provision authorising the investigating agency to seal the property during investigation. When the statute expressly prescribes the procedure to be followed for dealing with premises allegedly used for immoral activities, the authorities are bound to act strictly in



accordance with that procedure. In the absence of any statutory power to seal the premises, the action of the respondents in locking and sealing the petitioner's property cannot be sustained in law.

9. In view of the above, the writ petition deserves to be allowed. Accordingly, the writ petition is allowed. The third respondent is directed to forthwith remove the lock and seal affixed to the petitioner's premises and de-seal the property in the presence of the petitioner. Consequently, the connected miscellaneous petition stands closed. There shall be no order as to costs.

09.07.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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