

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3247 of 2015
and M.P.No.1 of 2015

Manjula

[Petitioner]

Vs

- 1 The Sub Collector
Ariyalur Ariyalur District
- 2 The Thasildhar
Ariyalur Taluk Ariyalur District

[Respondents]

Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to remove the seal and hand over possession of the petitioners Shop at Door No.2/192-C at Jayamgondam Main Road, Keezhapazhur, Ariyalur Taluk and District.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.M.L.Mahendran, GA

O R D E R

Heard Mr.S.Kamadevan, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate for the respondents.

2. The petitioner seeks for a direction to the respondents to remove the seal and hand over possession of her Shop at Door No.2/192-C at Jayamgondam Main Road, Keezhapazhur, Ariyalur Taluk and District.

3. The petitioner is the owner of the building and shop at Door No.2/192-C at Jayamgondam Main Road, Keezhapazhur, Ariyalur Taluk and District, measuring an extent of about 400 sq.ft.. The said premises was let out to one Anbazhagan on 15.09.2014. It appears that Anbazhagan carried on business of selling fire crackers without permission or licence from the competent authority. On account of the fact that the said Anbazhagan carried on business without licence, the authorities have sealed the premises and also filed a criminal case in Crime No.174 of 2014 under Section 286, 198, 353 IPC r/w Section 9(B)(1)(b) of the Explosives Act, 1884. It is stated that the said Anbazhagan was arrested and subsequently released on bail. The petitioner now seeks for de-sealing the premises and handover

possession. In this regard, a representation has been given by the petitioner to the respondents and the same is pending. The petitioner has not impleaded the so called tenant Anbazhagan as respondent in this writ petition. Therefore, the rights of the petitioner viz-a-viz the tenant cannot be adjudicated in this writ petition and no positive direction as sought for can be granted. However, the premises has been sealed on the ground that it was used for carrying on business in sale of crackers without licence. Therefore, the respondents can inspect the premises and de-seal the premises and remove the offending articles and thereafter left it open to the petitioner as well as Anbazhagan to work out their rights in the manner known to law. Accordingly to that extent, the respondents are to be directed to consider the representation of the petitioner.

4. Therefore, there will be a direction to the 2nd respondent to consider the representation of the petitioner dated 20.01.2015 and pass appropriate orders, after notice to the petitioner and Anbazhagan and after hearing the parties, on merits and in accordance with law. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Sub Collector
Ariyalur Ariyalur District
- 2 The Thasildhar
Ariyalur Taluk Ariyalur District.

- 1 cc to Government Pleader, Sr.No7312
1 cc to Mr. S.Kamadevan, Advocate, SR.No.7058

W.P.No.3247 of 2015

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pmk.26.2.2015