



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD).No.12571 of 2017

B.Vijayalakshmi

..Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Paramakudi.
- 3.The Inspector of Police,
Town Police Station,
Paramakudi,
Ramanathapuram District.
- 4.The Joint Director of Health Services,
Sigil Raja Veethi,
Ramanathapuram, Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Paramakudi, Ramanathapuram District.

6.Benjamin

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 to 5 to break open the seal affixed in the shop belonging to the petitioner at upstairs in Door No.3/586, Bhagavath Singh Road, Paramakudi Taluk, Ramanathapuram District by way of considering his representation dated 15.05.2017.

For Petitioner	: Mr. D.Senthil
For R1 to R5	: Mr. A.K.Baskara Pandian Special Government Pleader.
For R6	: Mr.V.Selva

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents No.1 to 5 to break open the seal affixed in the shop belonging to the petitioner at upstairs in Door No.3/586, Bhagavath Singh Road, Paramakudi Taluk, Ramanathapuram District by way of considering his representation dated 15.05.2017.

2.Heard Mr. D.Senthil, learned counsel for the petitioner, Mr. A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.V.Selva, learned counsel for the sixth respondent.

3.The learned counsel for the petitioner stated that the petitioner is the owner of the property bearing Door No. 3/586, Bhagavath Singh Road, Paramakudi Taluk, Ramanathapuram District. Though the learned counsel for the petitioner stated that the petitioner had entered into a lease agreement with the sixth respondent in respect of the shop, it is stated that the shop was closed, pursuant to a surprise official visit of Statutory Authorities for taking action against the sixth respondent, who was charged for practicing medicine without authority. Thus, the premises was put under lock and seal by the respondents.

4.It is in these circumstances, the petitioner has given a representation to the fourth respondent for removing of seal and hand over the key to the petitioner. The sixth respondent represented by his counsel has agreed that the key for the premises can be handed over to the petitioner, namely, the landlord. The learned counsel for the petitioner also relied upon the order of this Court in W.P.(MD)No.21267 of 2016 wherein this Court has passed the following order in a similar case when the tenant, who practiced medicine, approached this Court for handing over key.

"....9.It is brought to the notice of this Court that the landlord of the property is one Ravichandran, S/o.Muniyandi. Since the petitioner is not the landlord of the premises, he will not be entitled to the keys of the premises. It is stated that the keys of the premises are under the safe custody of the Village Administrative Officer attached to the third respondent.

10.In the result, this petition is dismissed with further direction to the concerned respondent, especially R4 to R6 to hand over the keys of the premises to the landlord of the premises after verifying his bonafides within a period of four weeks from the date of receipt of a copy of this order. No costs."

<https://hcservices.equity.gov.in/hcservices/> 5. In these circumstances, the learned counsel for the petitioner states that the petitioner alone is entitled to get the keys.



6.Submissions of the learned counsel for the petitioner, prima facie is acceptable. Having regard to the fact that the learned Special Government Pleader submitted that he is not able to get instructions with regard to certain contention issues, this Court is inclined to pass the following order without expressing any opinion on the merits of the petitioner's case:-

"The fourth respondent is directed to consider the representation of the petitioner, dated 15.05.2017 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order."

7.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Paramakudi.
- 3.The Inspector of Police,
Town Police Station,
Paramakudi,
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- 4.The Joint Director of Health Services,
Sigil Raja Veethi,
Ramanathapuram, Ramanathapuram District.
- 5.The Tahsildar, Taluk Office,
Paramakudi, Ramanathapuram District.

+1CC to Mr.D.Senthil, Advocate, SR.No. 78936

+1CC to the Special Government Pleader SR.No. 79065

W.P. (MD) .No.12571 of 2017

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