



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.6328 of 2014

and

M.P. (MD) No.1 of 2014

K.V.Sunu

... Petitioner

Vs.

1.State rep. by

The Principal Secretary to Government,
Home (Pol-XIX) Department,
Fort St.George, Chennai.

2.The District Revenue Officer,
Kanyakumari District @
Nagercoil.

3.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

4.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 herein to remove the seal on the petitioner's building namely 'Krishna Auditorium' situated in Re.Sy.No.86/10, Vellancode Village, Kanyakumari District made by the fourth respondent herein dated 11.02.2014 and permit her to run the Auditorium.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.M.Rajarajan
Government Advocate

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents 2 to 4 to remove the lock and seal on the petitioner's building namely 'Krishna Auditorium' situated in Re.Sy.No.86/10, Vellancode Village, Kanyakumari District made by the fourth respondent herein dated 11.02.2014 and permit her to run the Auditorium.

2. According to the petitioner, in a proceedings initiated under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 interim order of attachment has been passed by the authorised officers in respect of the above said premises. Based on the above order, the 2nd respondent has lock and sealed the premises. Contending that the authorised officers have no power to lock and seal the property based on the order of attachment, the present Writ petition has been filed.

3. Pending Writ Petition the petitioner has filed an application seeking an interim direction to remove the lock and seal of the property and this Court by an order dated 30.04.2014 directed the respondents to remove the seal. The relevant portion of the order is extracted hereunder:-

"4. Considering the facts and circumstances of the case and also considering submissions made by the learned counsel for the petitioner, this Court is of the view that though the order of attachment is valid, the fourth respondent cannot seal the premises without taking further orders from the competent authority. Hence, there shall be an interim direction to the respondents to remove the seal made in the building 'Krishna Auditorium' situated in Re.S.No.86/10, Vellancode Village, Kanyakumari District, forthwith."



5. Pursuant to the above said order passed by this Court, the respondents have removed the lock and seal put up in the premises of the petitioner.

6. Considering the fact that the lock and seal has already been removed by the respondents no further order is necessary in this Writ Petition. Hence, this Writ Petition is closed. No costs. Consequently, M.P.(MD)No.1 of 2014 is closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Home (Pol-XIX) Department,
Fort St. George,
Chennai.

2. The District Revenue Officer,
Kanyakumari District @
Nagercoil.

3. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

4. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

+1cc to M/S.B.BRIJESH KISHORE, Advocate SR.No.43030.

W.P (MD) No.6328 of 2014
18.01.2018

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SDS/SV:MMS/SAR 1/30.01.2018/3P/6C