

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.7709 of 2014
and M.P.No.1 of 2014
(Heard through VC)

S.Aananthi @ Aananthiyammal .. Petitioner

Vs.

1. The Assistant Commissioner of Police,
Tondiarpet, Chennai - 21.
2. The Inspector of Police,
H-4, Law and Order Korukkupet Police Station,
Chennai - 21.
3. A.Glory Gunaseeli ...Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of declaration, declaring the act of respondent in sealing the office premises of the petitioner at No.11, Kannan Street, Korukkupet, Chennai 21, and the Childrens Home at No.18/7, Raja Velu Street, Royapuram, Chennai 13, on 28.2.2014 as illegal and arbitrary and in violation of principals of Natural Justice.

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For Petitioner : Mr.Adhi Narayana Rao-NA

For Respondents: Mr.V.Shanmuga Sundar,
Spl.Govt.Pleader for RR 1 and 2

O R D E R

The writ petition is filed seeking for a declaration that the act of the respondent in sealing the office premises of the petitioner at No.11, Kannan Street, Korukkupet, Chennai, and the Children's Home at No.18/7, Raja Velu Street, Royapuram, Chennai-13, as illegal.

2. It is stated by the learned Special Government Pleader that the subject premises were used for running an organization called Helping Hands intended for the welfare and development of women. However, as there were complaints, the police had to seal the premises.

3. The learned special Government Pleader, upon instructions, submitted that the complaint was given by the third respondent, which was registered in Crime No.93 of 2014 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short, "POCSO Act") read with Sections 6, 10 and 12 of the Prohibition of Harassment of Women Act, 1998 and 294(b) read with 109 IPC against the petitioner and one Thavasimani. It is also stated that the subject premises are under lock and seal till today. The trial has commenced in W.P.No.7709 of 2014 and the last hearing was held on 12.03.2020 and it is yet to be over.

4. Section 35 of the POCSO Act mandates the Special Court to complete the trial within a period of one year from the date of taking cognizance of the offence. Thus, this Court is of the view that till the trial is completed, the subject premises cannot be de-sealed and possession cannot be given to the petitioner.

5. However, there has been no representation for the petitioner either in person or through counsel for the last two hearings held on 04.08.2020 and 12.08.2020.

6. Even today, when the writ petition, which is is posted under the caption "For Dismissal" is taken up for hearing, there is no representation for the petitioner and hence, it is clear that the petitioner is not interested in pursuing with the writ petition.

7. In the result, this writ petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते
Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police,
Tondiarpet, Chennai - 21.
2. The Inspector of Police,
H-4, Law and Order Korukkupet Police Station,
Chennai - 21.

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