



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P(MD)No.7296 of 2020

Jayakumar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.

4.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

5.The Tahsildar,
Mannachannallur Taluk,
Trichy District.

6.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to unseal and unlock the building by name "Velavan Lodge" situating in Samayapuram Naal Road, Maruthur East, Trichy District, by considering the representation submitted by the petitioner, dated 26.06.2020, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor



O R D E R

This Writ Petition has been filed seeking for a direction, directing the respondents to unseal and unlock the building, by name, "Velavan Lodge", situated in Samayapuram Naal Road, Maruthur East, Trichy District, by considering the petitioner's representation, dated 26.06.2020.

2. The case of the petitioner is that the petitioner is running a Lodge in the name of "Velavan Lodge" near Samayapuram Naal Road, Trichy, for the past 22 years. Due to spread of the novel coronavirus, and by obeying the announcement of Lock-down made by the Government, the petitioner did not open the said Lodge from 24.03.2020. After the closure, on 04.06.2020, the petitioner opened the said Lodge, for maintenance, with minimum number of labours and at that time, for the reasons best known to the Respondent No.6, he registered a case in Crime No.733 of 2020, for the offence under Sections 3(1), 3(2)(a), 3(2)(b), 4(1) of The Immoral Traffic (Prevention) Act, against the petitioner. Thereafter, on 05.06.2020, the Respondent Nos. 4 and 6 came and sealed the Lodge. Before making the lock and seal, the Respondents did not issue any order in respect to the closure of lodge. Non-obtaining explanation from the petitioner is arbitrary and also against the doctrine of principles of natural justice.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after the registration of the case, the first respondent viz., the District Collector, Trichy District, passed an order on 19.06.2020, cancelling the licence to run the Lodge and only thereafter, the Respondent Nos.4 and 6 came to the lodge and sealed the same. He further added that without challenging the order passed by the District Collector, Trichy District, filing this writ petition by the petitioner herein is unnecessary.

4. In this regard the learned counsel appearing for the petitioner made a submission that the order in respect to the cancellation of licence is so far not served with the petitioner and hence, he prays to direct the first respondent to serve the copy of the order dated 19.06.2020.

5. Considering the facts and circumstances of the case, if at all the petitioner wants to open the lodge, it is for him to challenge the order dated 19.06.2020, passed by the 1st respondent herein, the District Collector in and by which, the licence to run the lodge was cancelled. In the said circumstances, it would be appropriate to direct the first respondent to serve a copy of the order, dated 19.06.2020 to the petitioner. Accordingly, the District Collector, Trichy District, is directed to serve a copy of the order dated 19.06.2020, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, upon



which, the petitioner is at liberty to file an appropriate application before the competent authority, for restoring the said licence.

6. With the above directions, the Writ Petition stands disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Office of the District Collector,
Trichy District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.



4.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

5.The Tahsildar,
Mannachannallur Taluk,
Trichy District.

6.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KK(14.07.2020) 4P 8C