



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP(MD) No. 8220 of 2021

WEB COPY

Mohamed Aniba

... Petitioner

vs.

1. The District Collector,
Trichy District, Trichy.
2. The Commissioner of Police,
Trichy City.
3. The Deputy Commissioner of Police,
Law and Order, Trichy City.
4. The Inspector of Police,
Sessions Court Police Station,
Trichy City.
5. The Inspector of Police,
Anti Vice Squad,
Cantonment Police Station Campus,
Trichy City.

... Respondents

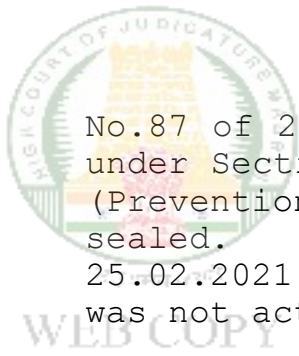
PRAYER : Writ Petition filed under Section 226 of the Constitution of India, to issue Writ of Mandamus, to direct the respondents to remove the seal and open the petitioner's house situated at Door No.7/43, 2nd Main Road, Ponnagar, Trichy - 620001 which was sealed on 27.01.2021 on the basis of the representation dated 25.02.2021.

For Petitioner	: Mr.K.Arunraj
For Respondents	: Mr.T.Senthilkumar, Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2. The petitioner is the owner of the petition mentioned house. According to him, he let out the house in favour of one Musthafa. The said Musthafa along with his wife was carrying on a prostitution ring in the petition mentioned house. A raid was conducted in the said premises and the fourth respondent registered a case in Crime



No.87 of 2021 on the file of the fourth respondent for the offences under Sections 3(2)(a), 4(1), 4(2)(c) and 6(1)(b) of Immoral Traffic (Prevention) Act, 1956. The house in question was also locked and sealed. The petitioner gave a representation as early as on 25.02.2021 for removing the lock and seal. Since the representation was not acted upon, the writ petition came to be filed.

3.The learned Additional Public Prosecutor for the respondents submitted that the the petitioner is figuring as the third accused in the criminal case. In my view, that by itself is not enough to lock and seal the premises. By locking and sealing the premises, no purpose will be served. The fifth respondent has not indicated under what statutory provision, they resorted to the impugned action. In my view, it is patently lacking in jurisdiction. The petitioner through his counsel gives an undertaking that he will approach the fifth respondent and file an affidavit of undertaking that he will ensure that the petition mentioned house will not be put to any illegal or improper use ever in future. The said undertaking is recorded. After receipt of the said undertaking from the petitioner, the fifth respondent herein shall remove the lock and seal of the petition mentioned house forthwith and without any delay.

4.The writ petition is allowed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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,
Trichy District, Trichy.
- 2.The Commissioner of Police,
Trichy City.
- 3.The Deputy Commissioner of Police,
Law and Order, Trichy City.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Inspector of Police,
Sessions Court Police Station,
Trichy City.

5.The Inspector of Police,
Anti Vice Squad,
Cantonment Police Station Campus,
Trichy City.

+1 CC to M/s.K. ARUNRAJ, Advocate (SR-34923[F] dated 18/11/2021)

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RD(01.12.2021) 3P 7C