



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.16585 of 2020

WEB COPY

S.Suresh

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar (L&O),
Crime Branch,
Collectorate Campus,
Trichy.

3.The Revenue Tahsildar,
Trichy West,
Trichy.

4.The Inspector of Police,
Woraiyur Police Station,
Woraiyur,
Trichy District.

5.The Village Administrative Officer,
Thamalavarupayam Village,
Woraiyur,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to remove the lock and seal of the petitioner's Luna Ayurvedhic Care and Spa Centre, situated at Block-I, Plot No.2, Housing Unit, Narayana Nagar, Woraiyur, Trichy District - 620 003, based on the petitioner's representation dated on 24.06.2020, within a time stipulated by this Court.

For Petitioner : Mr.C.Balmahendran
For R-1 to R-5 : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents particularly
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the third respondent to remove the lock and seal of the petitioner's Luna Ayurvedhic Care and Spa Centre situated at Block No.I, Plot No.2, Housing Unit, Narayana Nagar, Woraiyur, Trichy on the basis of a representation dated 24.06.2020.

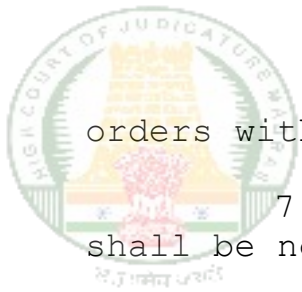
WEB COPY 2. Learned counsel for the petitioner states that the writ petitioner S.Suresh, has been running the said Ayurvedhic Spa Centre at the said address without any lawful problem. However, there were some persons who had adverse interest to such running of Spa and one of them is Sabarinathan, who claimed to be a reporter had also given a complaint against the petitioner herein which resulted in the registration of a First Information Report in Crime No.240 of 2020 by the fourth respondent under Section 188, 269, 279 of IPC and also under Section 3 of Epidemic Disease Act, 1897, read with Section 188 of IPC and Section 134 and 135 of Public Health Act, 1939 and 51 (b) of Disaster Management Act, 2005 on 09.04.2020.

3. The fifth respondent thereafter on the basis of the registration of such First Information Report had sealed the premises of the petitioner's Spa Centre. The petitioner had given a representation protesting such lock and seal act being done and in this connection had given a representation on 24.06.2020.

4. Mr.D.Ghandiraj, learned Special Government Pleader who took notice on behalf of all the respondents had forwarded an order passed by the Revenue Tahsildar who is the third respondent, dated 31.08.2020 in ந.க.எண் : ௮1/772/2020. In the said order, it had been stated by the third respondent that a First Information Report which had been stated above had been registered against the petitioner herein and therefore, the premises of the petitioner had been put under lock and seal and thereafter, if a further representation is given by the petitioner, the respondents would re-examine the entire issue.

5. The onus is therefore on the petitioner herein to give further representations based on the order now referred and a copy of which had been forwarded to the learned counsel for the petitioner. There is an obligation on the petitioner to obtain such permission in accordance with the rules. There is also an obligation on the petitioner to run a lawful trade without coming to the adverse notice of any of the authorities concerned.

6. I am confident that if a representation is given by the petitioner herein and if he satisfies necessary conditions regarding obtaining of licence, the respondents would examine such representation in its true spirit. The petitioner is given an opportunity to give further representation and thereafter on receipt of the same, the third respondent may pass necessary



orders within a period of twelve (12) weeks.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
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Woraiyur,
Trichy.

+1 CC to M/s.R. YAMUNA, Advocate (SR-35562[F] dated 23/11/2021)

W.P(MD)No.16585 of 2020

23.11.2021

MA (CO)

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