



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.11.2021**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20280 of 2021

and

W.M.P(MD)Nos.16946 & 16947 of 2021

WEB COPY

Russ Foundation

(Registered Society in Registration No.210/1992)

No.20, West Main Road,

Doak Nagar Extension,

Madurai-16

Represented by its Secretary

Berlin Jose

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Inspector of Police,
Chathirapatti Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings in 1904/A1/DCPU/2021, dated 07.10.2021 and quash the same as illegal and consequently direct the respondents to lift the lock and seals from the two buildings of petitioner's society within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is a registered society. It was running a children home and few other institutions in Doak Nagar Extension, Madurai. The office bearers of the petitioner society were implicated in Crime No.169 of 2019 registered on the file of the second respondent for the offences under the POCSO Act. In that connection, the building belonging to the society was locked and sealed. Seeking removal of the lock and seal, the petitioner submitted a representation before the first respondent. By the



impugned order dated 07.10.2021, the petitioner's request was rejected. For quashing the same, this writ petition came to be filed.

3. It is true that the prosecution initiated against the office bearers of the petitioner society will of course have to be taken to its logical conclusion. The only question arises for consideration is whether the building of the petitioner society will have to remain under lock and seal. The respondents have not demonstrated that the lock and seal of the premises in question is necessary for continuing the prosecution. There is no connection between the lock and seal action and the prosecution initiated against the office bearers. Locking and sealing of the premises will also not serve any purpose. There is absolutely no justification whatsoever for sealing the building in question. Therefore, the order impugned in the writ petition is quashed. The respondents are directed to remove the lock and seal put on the petition mentioned building forthwith without any delay. This Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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,
Madurai District.
- 2.The Inspector of Police,
Chathirapatti Police Station, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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