



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.13451 OF 2022

Saravanaprasath

... Petitioner

.Vs.

1. The Sub-Divisional Magistrate
Cum Revenue Divisional officer,
Ariyalur,
Ariyalur District.

2. The Inspector of Police,
Ariyalur Police Station,
Ariyalur.
(Crime No.769 of 2021)

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the proceedings in Pa.Mu.A3/1708/2021 dated 24.09.2021 on the file of the first respondent herein and quash the same and consequently direct the first respondent to consider and pass orders on the representation of the petitioner dated 25.03.2022.

For Petitioner : Mr.V.Illanchezian

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking to quash the proceedings in Pa.Mu.A3/1708/2021 dated 24.09.2021 on the file of the first respondent.

2. The petitioner, who is the owner of the lodging house viz., Vasavi Towers at No.15, Mela Agraharam Street, Ariyalur,



Trichy Main Road, Ariyalur, had leased out the property to the tenant one Vetrikannan. The second respondent finding that certain illegal activities were carried out in the lodging house, had lodged an FIR in Crime No.769 of 2021 for the offences under Sections 3(1), 3(2)(a), 4(1), 4(2)(c), 5(1)(b), 5(1)(d), 6(1)(a), 6(1)(b) & 9 of the Immortal Traffic (Prevention) Act, 1956, against the tenant and others and without stopping with that the Sub-Divisional Magistrate Cum Revenue Divisional officer by an order dated 24.09.2021 had kept the lodging house lock and seal.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property. Merely, the tenant has committed some offence, the entire lodging house cannot be sealed.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Having regard to the fact that the perpetrator of the crime was already proceeded under the Immortal Traffic (Prevention) Act, 1956 and preventing the owner from entering and maintaining the lodging house would amount to infringe the constitutional right of the property owner. The impugned order has been passed only based on the FIR registered against the tenant and the lodging house has been kept sealed. In respect of the matter, the order violates the nature of justice.

6. In view of the above, the impugned order passed by the Sub-Divisional Magistrate Cum Revenue Divisional officer in Pa.Mu.A3/1708/2021 dated 24.09.2021 is set aside. Accordingly, this Writ Petition stands allowed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

shk/ham

To

1. The Sub-Divisional Magistrate
Cum Revenue Divisional officer,
Ariyalur,
Ariyalur District.



2. The Inspector of Police,
Ariyalur Police Station,
Ariyalur.

3. The Public prosecutor
High Court, Madras.

W.P.NO.13451 OF 2022

PMK (CO)
PBS/16/06/2022