



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14933 of 2022
and W.M.P.Nos.14156 of 2022

A.Paul Martin

... Petitioner

Vs.

1.The Deputy Commissioner of Police
Prohibition and Enforcement Wing
Chengalpet District

2.The Revenue Divisional Officer
Thirumani Road
Chengalpet District
Near Collector Office

3.The Tahsildar
Thirukazhukundram PO
Chengalpet District 603109

4.The Inspector of Police
PEW Wing
Mamallapuram
Thirukazhukundram PO
Chengalpet District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to send a report to the 3rd respondent based on letter dated 28.02.2022 so as to facilitate 1st and 2nd respondent to remove / unseal the house of the petitioner situated at Poonthandalam Village Vengambakkam Post, Thirukazhukudram Taluk, Chengalpet District near Kalpakkam.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1 & R4

Mr.T.Venkatesh Kumar
Special Government Pleader for R2 & R3



ORDER

The Writ Petition is filed seeking for a direction, directing the 4th respondent to send a report to the 3rd respondent based on letter dated 28.02.2022 so as to facilitate 1st and 2nd respondent to remove / unseal the house of petitioner situated at Poonthandalam Village, Vengambakkam Post, Thirukazhukundram Taluk, Chengalpet District near Kalpakkam.

2.The case of the petitioner is that he is the citizen of India and citizen of Scotland too. The petitioner is the owner of the residential premises situated at Poonthandalam Village, Vengambakkam Post, Thirukazhukundram Taluk, Chengalpet District near Kalpakkam and he appointed a care taker in the building to look after his premises, as he is in Scotland for job. Taking advantage of his absence, the care taker has indulged in mixing furious liquor along with other accused. When the Prohibition and Enforcement Wing raided the house, they have arrested the accused. Taking note of the fact that the care taker and other accused who have indulged in such illegal activities, the 2nd and 3rd respondent viz. The Revenue Divisional Officer and the Tahsildar, Thirukazhukundram had sealed the house of the petitioner. Therefore, he seeks a direction to the 2nd and 3rd respondents to unseal the petitioner's premises.

3.Learned Additional Public Prosecutor would fairly concede that the petitioner is no way connected with the alleged offence and the same is not disputed by him. He added that the petitioner is the owner of the sealed premises is also not in dispute. Accordingly, prays for appropriate orders.

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

5.In view of the above, it is clear that the petitioner is staying in Scotland for his job and the same is not disputed by the prosecution and when such being the case, there is no complicity of petitioner with crime. Therefore, merely because the care taker and the other accused have involved in manufacturing the furious liquor in connivance with others without the knowledge of the petitioner, who is the lawful owner of the property. Without affording opportunity of hearing to the petitioner, his property cannot be sealed and such action certainly will amount to deprive of his rights to enjoy the property.

6.Hence, the order without affording opportunity of hearing to the petitioner for sealing the premises is hereby set aside and the 4th respondent is hereby directed to send a report to the



3rd respondent based on his letter dated 28.02.2022 so as to facilitate 1st and 2nd respondent to remove / unseal the building situated at Poonthandalam Village, Vengambakkam Post, Thirukazhukundram Taluk, Chengalpet District near Kalpakkam. The entire exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order and the key to the respective building shall be handed over to the authorised agent appointed by the petitioner.

7. With the above direction the Writ Petition stands disposed of. Consequently, the connect miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To.

1. The Deputy Commissioner of Police
Prohibition and Enforcement Wing
Chengalpet District

2. The Revenue Divisional Officer
Thirumani Road
Chengalpet District
Near Collector Office

3. The Tahsildar
Thirukazhukundram PO
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4. The Inspector of Police
PEW Wing
Mamallapuram
Thirukazhukundram PO
Chengalpet District

5. The Additional Public Prosecutor
Madras High Court, Chennai 600 104.

+1cc to the Government Pleader, S.R.No.37160

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and W.M.P.Nos.14156 of 2022

PMK(CO)
CT/01/07/2022