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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **19.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 28776 of 2022

And

W.M.P.No. 28066 of 2022

1. D.Suresh
2. M.Ramani ... Petitioners

..Vs..

1. The State Rep. by its
The District Collector
Villupuram District
Villupuram.
2. The Sub Collector
Office of Sub Collector
Tindivanam
Villupuram District.
3. The Village Administrative Officer
Gidangal Village
Tindivanam Taluk
Villupuram District.
4. The Inspector of Police
Tindivanam Police Station
(R4 suo motu impleaded vide order dated 31.10.2022 made in
W.P.No. 28776 of 2022 by RSKJ) ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by 2nd respondent



vide Na.Ka. 5253 of 2022 dated 22.09.2022 and quash the same as illegal and consequently directing the respondents 1 to 3 herein to remove the lock and seal affixed in the petitioners premises viz. M/s. Ragavendra Computers, No.43/18, Kamatchi Amman Kovil Street, Tindivanam, Tindivanam Taluk, Villupuram District.

For Petitioners :: Mr. M.Venkadeshan

For Respondents :: M/s. P.Rajarajeswari
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus seeking interference with the impugned order passed by the second respondent / the Sub Collector, Office of Sub Collector, Tindivanam, Villupuram District, in Na.Ka. 5253 of 2022 dated 22.09.2022 and remove the lock and seal affixed in the premise of the petitioners, M/s. Ragavendra Computers, No.43/18, Kamatchi Amman Kovil Street, Tindivanam, Tindivanam Taluk, Villupuram District.

2. The petitioners are spouses. They claim that they are running DTP Centre in the name of M/s. Ragavendra Computers, No.43/18, Kamatchi Amman Kovil Street, Tindivanam, Tindivanam Taluk, Villupuram District.



3. A complaint had been lodged on 13.06.2022 by the third respondent/Village Administrative Officer, Gidangal Village, Tindivanam Taluk, Villupuram District, before the Inspector of Police, Tindivanam Police Station, Tindivanam that the petitioners had forged the voter identity cards and changed the address of one Suresh, resident of Tindivanam. The third respondent had taken away 3 CPUs, 1 Printer and Election Identity Card and also locked and sealed the premises. An FIR in Crime No. 223 of 2022 had been filed by the Inspector of Police, Tindivanam, for offences under Sections 465, 466, 468 and 471 of IPC. The petitioners applied for bail and were granted bail by the Principle District Court at Villupuram in C.M.P.No. 5322 of 2022 by an order dated 27.07.2022. The Investigating Officer had seized material objects which the petitioners are alleged to have used for such forgery of Voter Identity Cards.

4. Let the investigation proceed. If required notice can be again issued under Section 41-A of the Code of Criminal Procedure and the petitioners can be directed to be present for any further enquiry. The Investigating Officer may also take recourse to other procedure as available in the Code of Criminal Procedure. However, the premises cannot be sealed. That would be an action without authority of any known source of law.



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5. The act of sealing the premises will have to be necessarily interfered with. The petitioners should given an undertaking that they would abide by the law and do lawful business and also give an undertaking that they would always permit at any point of time, the respondents to inspect the premises and seize any materials. The petitioners must also commit themselves to participate during the investigation. They should also give an undertaking that they would not abscond from the legal process. On obtaining such undertakings, the second respondent, who had directed the premises of the petitioners to be locked and sealed may withdraw the order and permit the petitioners to do lawful business.

6. With the above observations, the Writ stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2022

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,
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