



W.P(MD)No.19612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19612 of 2022

Jeyabharathi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3.The Tashildar,
Kallikudi Taluk,
Kallikudi,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the lock and seal of the room in the building bearing D.No.6/135, Rajaji Street, Kallikudi Chatram, Kallikudi Taluk, Madurai District.

For Petitioner : Mr.Anwar Sameem

For Respondents : Mr.M.Sarangan,
Spl. Government Pleader.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The petitioner is the owner of the petition mentioned premises. In one of the rooms, a tenant by name Sivalingam was inducted. The said Sivalingam appears to have inducted one Narayanasamy. The said Narayanasamy was implicated in Crime No.65 of 2022 registered on the file of Kallikudi police station for the offence of forgery and cheating. The premises in question was sealed and locked. Questioning the same, the present writ petition has been filed.

3.The respondents as well as police were justified in taking action. But they cannot keep the petition mentioned premises indefinitely under lock and seal. That would affect the interest of the writ petitioner. I therefore, direct the third respondent to remove the lock and seal of premises and hand over possession to the writ petitioner on 29.08.2022 at 03.00 pm after giving advance information to Narayanasamy. It is open to Narayanasamy to be present or not. An inventory of the articles will be prepared and it is for the



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petitioner to make appropriate arrangement for their custody. The inventory will be countersigned by the writ petitioner and any official representing the third respondent.

4.At this stage, The learned Additional Government Pleader rightly brought to my notice that by directing the revenue authorities to hand over possession to the writ petitioner, this Court may be short-circuiting the legal process. I find substance in the said contention. But this Court cannot lose sight of the fact that the premises in question was sealed and locked in April 2022. We are now in the end of August 2022. More than five months have lapsed. If Narayanasamy felt aggrieved, he would have definitely approached the Court. He did not so. It is the petitioner who had moved the Court. I therefore have no hesitation to direct the revenue authorities to unlock the premises and hand over possession of the same to the writ petitioner.

5.The writ petition is allowed accordingly. No costs.

25.08.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 26.08.2022.



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G.R.SWAMINATHAN, J.

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To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.
- 3.The Tashildar,
Kallikudi Taluk,
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