



W.P.No.3840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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M/s. Chemtech Industry,
Represented by its Proprietor, Mrs.P.Suvika,
Patta No.187, S.No.1/B1, Echampatti,
Kalkurichi, Sendamangalam Taluk,
Namakkal District – 637 402.

... Petitioner

Vs

Deputy Superintendent of Police,
Civil Supplies CID Police Station,
Near Tollgate,
Keerambur,
Namakkal – 637 207.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 03.01.2023 and not to cause unnecessary searches or checks or harass without any reason to believe that which is recorded in writing in respect of the petitioner's firm and a copy be provided to the petitioner for every such search being made by the respondent or their subordinates.

For Petitioner : Mr.Naveen Kumar Murthi
for Ms.S.Varsha



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For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondent to consider the representation of the petitioner dated 03.01.2023 and not to cause unnecessary searches or checks or harass without any reason to believe that which is recorded in writing in respect of the petitioner's firm and a copy be provided to the petitioner for every such search being made by the respondent or their subordinates.

2. Learned counsel for the petitioner submitted that petitioner's firm is involved in manufacturing of petrochemicals, lubricants and solvents for industrial use. It was established in 2018. This firm is governed by the Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2002. The petitioner has obtained necessary licenses from concerned authorities and doing manufacturing of petrochemicals. Petitioner's firm is being put to frequent checks and searches by the respondent officials and their subordinates to confirm the compliance by the petitioner's firm with the Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order,



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2002. During these surprise checks, the entire industrial equipment running in the petitioner's firm are halted. During the process of search, thus far, no violation or deviation from the applicable laws has been found by the officials in the petitioner's firm. Though, Rule 4 of the Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order, 2002 gives power of search and seizure, when there is a reason to believe that the provisions of this order have been or are being or are about to be contravened. The reasons to believe must be supported with credible materials. Without any credible materials, frequent search of the premises causes halting of the manufacturing process and other unnecessary hindrance, not only to the management but also to all the workers. Therefore, this petition.

3. In response, learned Government Advocate (Crl.side) submitted that respondent has not unnecessarily engaged in search of the petitioner's premises. It appears that petitioner had given a representation to the respondent on 03.01.2023. Appropriate orders would be passed on the basis of the representation of the petitioner.

4. In light of the rival submissions, this Court is of the view that when there is no credible information/complaint received against the



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petitioner alleging involvement in any illegal activities, it is no doubt that frequent visit would cause hindrance to the manufacturing operation of the petitioner's firm.

5. In view of this matter, this Court directs the respondent to consider the petitioner's representation dated 03.01.2023 and pass appropriate orders in the manner known to law.

6. Accordingly, this Writ Petition is disposed of. No costs.

09.02.2023

Index :Yes/No
Internet:Yes/No
mpl

To

1.The Deputy Superintendent of Police,
Civil Supplies CID Police Station,
Near Tollgate,
Keerambur,
Namakkal – 637 207.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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