



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.21399 of 2022

Arumugam

... Petitioner

vs.

1.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

2.The Tahsildar,
Thiruppuvanam Taluk, Sivagangai District.

3.The Inspector of Police,
Thiruupuvanam Police Station,
Sivagangai District.

4.The Village Administrative Officer,
Melavellur Group,
Thiruppuvanam Taluk, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondents 1, 2 and 4 to remove the seal to the petitioner's shop, situated at Melavellur Village, Thiruppuvanam Taluk, Sivagnagai District by considering the petitioner's representation, dated 02.09.2022.



For Petitioner :Mr.K.Malaimaran
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first, second and fourth respondents to remove the seal of the petitioner's shop at Melavellur Village, Thiruppuvanam Taluk, Sivagnagai District. The petitioner has given a representation on 02.09.2022.

2.Heard Mr.K.Malaimaran, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

3.The Writ Petitioner has been running a petty shop near his house in his village and selling various goods. It is stated that on 24.07.2022, the third respondent conducted a search in the shop on information that the petitioner was selling tobacco products. An FIR in Cr.No.218 of 2022, was registered under Sections 273 and 328 of IPC and Section



24(1) of Cigarette and Tobacco Act, 2003, against the petitioner herein.

The petitioner claims that the shop had been sealed and stated that he had given an undertaking that he would not sell such products and therefore, seeks that the shop may be desealed. In this connection, the petitioner has given a representation to the first, second and fourth respondents and on 02.09.2022.

4.A counter had been filed by the third respondent/Inspector of Police, Thiruppuvanam Police Station, Sivagangai District that the petitioner had been selling the tobacco products in violation of the rules and therefore, on a search made, the products were seized and the shop was sealed. It is stated that 2256 pockets each weighing 752 grams of prohibited tobacco products have been seized from the petitioner herein. It has also been stated that three previous cases were pending against the petitioner.

5.The fourth respondent/the Village Administrative Officer has also filed a similar counter and stating that it is only the first and second respondents, who could examine the representation given by the



petitioner herein. It is also seen that consequent to the registration of the FIR, the learned Principal Session Judge at Sivagangai, in CrI.M.P.No. 3118 of 2022 by an order, dated 10.08.2022, had, after examining various facts, granted bail to the petitioner herein.

6.Taking into consideration all these facts, the first respondent, Revenue Divisional Officer may examine the representation given by the petitioner and take a decision to open up the shop and if not, give necessary reasons as to why the shop should continue to be kept sealed. The said decision of the Revenue Divisional Officer must be taken within a period of two weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

03.04.2023



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.21399 of 2022

03.04.2023