



W.P.(MD)No.25951 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2023

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.25951 of 2023

R.Shanmugam

.. Petitioner

Vs

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to remove the seal and unlock the petitioner's office cum loading point at Mayiladudhurai Village, Sivakasi Sattur Main Road, Sivakasi Taluk, Virudhunagar District by considering the petitioner's GST Registration Certificate Number: 33ABQFM7714A1ZE and by considering the petitioner's representation dated 23.10.2023.

For Petitioner : Mr.M.Solaisamy



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For R1 : Mr.V.Nirmal Kumar
Government Advocate

For R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

Heard the learned counsel on both sides.

2. The petition mentioned premises belong to M/s.Mettur Logistics, Salem. The writ petitioner is its General Manager. In the said godown, fire crackers had been kept for onward despatch and transportation. It is beyond dispute that proper licence has not been obtained. Hence, Crime No.476 of 2023 was registered on the file of the Sivakasi East Police Station, Virudhunagar District for the offences under the Indian Explosives Act. The petitioner is figuring as the accused.

3. The goods cannot be called as contraband or illegal material. The learned Additional Public Prosecutor submits that there is a proposal to handover the same to the jurisdictional criminal Court.



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4. I am of the view that since the goods are inflammable articles, it may not be safe to handover the goods to the Court custody.

5. I sustain the stand of the respondents that the premises in question cannot be used for keeping the fire crackers. M/s.Mettur Logistics, Salem is restrained from using the petition mentioned premises for keeping fire crackers, unless they obtain proper licence. Since keeping the articles in official custody is not going to serve any purpose, the respondents are directed to return the same to the petitioner. The petitioner as well as M/s.Mettur Logistics, Salem will have to face criminal prosecution.

6. The only relief, that is, now given is handing over custody of the seized items alone. Diwali is impending. It is for this reason, I grant relief. The 1st respondent is directed to unseal the premises in question. The materials kept inside can be removed by the petitioner and sold. The 2nd respondent is directed to prepare mahazar and other documentation.



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Proper inventory shall also be prepared. The petitioner will affix his signature on the required forms. The Writ Petition is allowed on these directions. There shall be no order as to costs.

26.10.2023

Note: Issue order copy by 27.10.2023.

NCC : Yes/No

Internet : Yes

Index : Yes/No

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To

- 1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 2.The Inspector of Police,
Sivakasi East Police Station,
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G.R.SWAMINATHAN, J.

abr

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26.10.2023