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W.P.(MD)NO.26100 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26100 of 2023 AND
W.M.P.(MD)No.22459 of 2023

Manikandan

... Petitioner

Vs.

1. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

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

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to unlock and unseal our office cum loading point at Abi Transport (Logistics) No.3/67A, Balaji Nagar, Viswantham Village, Sivakasi, Virudhunagar District in GST Registration Certificate Number 33BORPV5694B1ZE and by considering the petitioner's representation dated 27.10.2023.

For Petitioner : Mr.E.Mareeskumar

For R-1 : Mr.V.Nirmal Kumar,
Government Advocate.

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner is running Abi Lorry Service which is rendering logistic service. The petitioner had stored the offending articles (fire crackers) in his godown. When it was found, it was locked and sealed. Crime No.472 of 2023 was registered on the file of the second respondent for the offences under Section 9(B)(1)(b) of the Explosives Act 1884. In these circumstances, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner relies on the order dated 26.10.2023 in W.P.(MD)No.25951 of 2023. The goods in question cannot be called as contraband or illegal material. But the petitioner has not obtained license for keeping the fire crackers. The petitioner gives an undertaking that he will not use the premises for keeping fire crackers, without obtaining proper licence. The said undertaking is recorded.



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4. The petitioner is restrained from using the petition-mentioned premises for keeping fire crackers without obtaining license. Since keeping the articles under official custody is not going to serve any purpose, the respondents are directed to return the seized materials to the petitioner after preparing proper magazar. I make it clear that the reliefs given to the petitioner are only de-sealing of the premises and handing over to the seized items after conducting proper inventory. The petitioner has to necessarily face criminal prosecution. After receiving the materials from the respondents, the petitioner can very well transport them to the customers. The petitioner will affix his signature on the required forms. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Issue order copy on 31.10.2023.



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W.P.(MD)NO.26100 OF 2023

G.R.SWAMINATHAN,J.

PMU

To:

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

W.P.(MD)No.26100 of 2023

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