



W.P(MD)No.26188 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26188 of 2023

V.Karthikeyan

... Petitioner

Vs.

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to remove the seal and unlock the petitioner's office cum loading point, M/s.Speed Parcel Service, having address at Naranapuram to Paraipatti Road, Sivakasi East, Virudhunagar District by considering the petitioner's GST Registration Certificate No. 33AVCPK1792Q1Z5 and by considering the petitioner's representation dated 29.10.2023.



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For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R.1

Mr.A.Albert James
Government Advocate for R.2

ORDER

Heard both sides.

2. The petitioner is a proprietor of “Speed Parcel Service”. The petitioner had stored fire crackers in his godown. When it was found out, Crime No.487 of 2023 was registered on the file of Sivakasi East Police Station under the Indian Explosives Act, 1884. Though the godown has not been sealed, the goods had been seized by the second respondent. Now the goods are in the custody of the second respondent.

3. The goods in question cannot be called as contraband or illegal material. But the petitioner has not obtained license for keeping the fire crackers in his godown. The petitioner gives an undertaking that he will not use the premises for keeping the fire crackers without obtaining proper license. The said undertaking is recorded.



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4. The petitioner is restrained from the petition mentioned premises for keeping the fire crackers without obtaining license. Since keeping the articles under official custody is not going to serve any purpose, the second respondent is directed to return the seized material to the petitioner after getting proper acknowledgement and preparing proper mahazar. The petitioner can very well dispose of the goods but he has to necessarily face criminal prosecution. The second respondent can very well file charge sheet against the petitioner in the manner known to law.

5. This writ petition is allowed on these terms. There shall be no order as to costs.

01.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 01.11.2023.



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G.R.SWAMINATHAN, J.

MGA

To

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

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