



W.P(MD)No.26517 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.26517 of 2023

Uma Mahes

... Petitioner

**Vs.**

1.The Tahsildar,  
Sivakasi Taluk,  
Virudhunagar District.

2.The Special Tahsildar,  
(Match Box Inspection)  
Sivakasi Taluk,  
Virudhunagar District.

3.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 respondents 1 & 2 to remove the seal and unlock the petitioner's office cum loading point at R.S.R.Nagar, Viswanatham Village, Sivakasi Taluk, Virudhunagar District by considering the petitioner's GST Registration Certificate Number 33AEEPU5171JIZ9 and permit the petitioner to remove the goods inside the premises in accordance with law.



W.P(MD)No.26517 of 2023

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.K.Balasubramani  
Special Government Pleader for R1 & R2  
: Mr.M.Veeranthiran  
Government Advocate for R3

### **ORDER**

Heard the learned counsel on both sides.

2. The petitioner is the transporter. The petitioner had kept the petition mentioned items in the petition mentioned premises. It has not been licensed to keep the fire crackers. Hence, Crime No.495 of 2023 was registered on the file of the Sivakasi East Police Station, Virudhunagar District for the offence under Section 9(B)(1)(b) of the Indian Explosives Act.

3. The goods cannot be called as contraband or illegal material. The learned Government Advocate submits that there is a proposal to hand over the same to the jurisdictional criminal Court.

4. I am of the view that since the goods are inflammable articles, it may not be safe to hand over 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.Sri Ramajeyam Transport,



W.P(MD)No.26517 of 2023

Virudhunagar 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.Sri Ramajeyam Transport, Virudhunagar will have to face criminal prosecution. The third respondent shall file final report as expeditiously as possible.

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 third respondent is directed to prepare mahazar and other documentation. Proper inventory shall also be prepared. The petitioner will affix his signature on the required forms.

7. The petitioner gives an undertaking that he will remit a sum of Rs.5,000/- for the welfare of Government Children Home (Government Orphanage), Dr.Thangaraj Colony, K.K.Nagar, Madurai-625020 [Account No: 37487255860, IFSC: SBIN0007922]. Upon furnishing the proof of remittance in favour of the Government Children Home (Government Orphanage), the premises shall be unsealed.



WEB COPY



W.P(MD)No.26517 of 2023

**G.R.SWAMINATHAN, J.**

rmi

8. The Writ Petition is allowed on these directions. No costs.

**03.11.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

***NOTE: Issue Order Copy on 03.11.2023***

To

1.The Tahsildar,  
Sivakasi Taluk,  
Virudhunagar District.

2.The Special Tahsildar,  
(Match Box Inspection)  
Sivakasi Taluk,  
Virudhunagar District.

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

4.Government Children Home (Government Orphanage),  
Dr.Thangaraj Colony, K.K.Nagar,  
Madurai-625020

W.P(MD)No.26517 of 2023

03.11.2023