



W.P(MD)No.26512 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26512 of 2023

Saran Sundar

... Petitioner

Vs.

1.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

3.The Village Administrative Officer,
Vachakkarapatti Village,
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 M.S.S.Transport, 1/954-5, Vatchakarapatti, R.R.Nagar, Virudhunagar District by considering the petitioner's GST Registration Certificate Number 33ABQFM7714A1ZE and representation dated 25.10.2023 and permit the petitioner to remove the goods inside the premises in accordance with law.



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For Petitioner : Mr.S.Sukumar

For Respondents : Mr.C.Satheesh
Government Advocate for R1 & R3
: Mr.M.Veeranthiran
Government Advocate for R2

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.231 of 2023 was registered on the file of the Vachakarapatti 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.Mettur Logistics,



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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.Mettur Logistics, Virudhunagar will have to face criminal prosecution. The second 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 2nd 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.



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

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Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 03.11.2023

To

- 1.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
- 2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 3.The Village Administrative Officer,
Vachakkarapatti Village,
Virudhunagar District.
- 4.Government Children Home (Government Orphanage),
Dr.Thangaraj Colony, K.K.Nagar,
Madurai-625020

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