



W.P(MD)No.26626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26626 of 2023

M.Arputhakumar

... Petitioner

Vs.

1.The Tahsildar,
Sivakasi Taluk,
Sivakasi,
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, directing the first respondent to unseal and unlock the petitioner's licensed premises M/s. SREE AMIRTHA INDUSTRIES having address at No.9A-P.K.S.A.A Road, Sivakasi, Virudhunagar District by considering the petitioner's Explosive License No. E/SC/TN/24/352 (E20860), issued by the Joint Chief Controller of Explosives, Sivakasi.



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For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner is a trader. Though he is having a license to godown, he had kept the petition mentioned articles in an unlicensed place.

3. The petitioner gives an undertaking that he will not use any unlicensed place for keeping or storing the fire crackers. This undertaking given by the petitioner is recorded.

4. The first respondent has sealed the petition mentioned premises. Crime No.505 of 2023 has been registered on the file of the Sivakasi East Police Station in this regard. The seized material cannot be called as contraband or illegal material. Retaining them in the official custody will not serve any purpose. The first respondent is directed to prepare mahazar and inventory. The petitioner shall affix his signature in the necessary forms. The petitioner will have to necessarily face criminal



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prosecution. Since the retention of the goods will cause financial loss to the petitioner, the respondents are directed to desal the premises. The premises need not be sealed once again in view of the undertaking given by the petitioner. The petitioner can take back the goods and also dispose them of. The petitioner gives an undertaking that he will remit a sum of Rs.5,000/- (Rupees Five Thousand only) 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.

5. The Writ Petition is allowed accordingly. There shall be no order as to costs.

03.11.2023

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

Note: Issue order copy on 03.11.2023.



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G.R.SWAMINATHAN, J.

MGA

To

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

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