



W.P.No.707 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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Dhanasekaran
S/o.Periyasamy

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Campus, Salem.
- 2.The Superintendent of Police,
Nethimedu, Salem.
- 3.The Tahsildar,
Yercaud Taluk, Salem District.
- 4.State rep. By Inspector of Police,
Yercaud Police Station, Salem.
- 5.Sivakumar
S/o.Kanthasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the fourth respondent to consider the petitioner's representation dated 27.12.2023 and further direct the fourth respondent to remove the lock and seal affixed in the petitioner residential property in Plot No.27, No.9,



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Asambur Village in S.No.39/11, now as per Sub Division in S.No.39/11A, 11B, 12, 2B, 3B in Yercaud Taluk, Salem District and within the Sub-registration of Yercaud.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 to R4]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the fourth respondent to consider the representation made by the petitioner wherein the petitioner has requested for removing the lock and seal fixed in the residential property belonging to the petitioner.

2. Heard Mr.P.Paramasiva Doss, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 4.

3. The petitioner is the owner of the subject property. The petitioner had entered into a rental agreement with the fifth respondent



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and it seems that the fifth respondent along with others was involved in utilizing the property for committing offence under Immoral Traffic (Prevention) Act, 1956. Accordingly, the First Information Report came to be registered in Crime No.289 of 2023. In the course of investigation, the residential premises was locked and sealed. The petitioner made representations for removing the lock and seal. Since the same was not considered, the present writ petition has been filed before this Court.

4. Learned Additional Public Prosecutor, on instructions, submitted that investigation has been completed in this case.

5. Taking into consideration the facts and circumstances of the case and also of the fact that investigation has been completed by the respondent police, no useful purpose will be served in keeping the house under lock and seal. Ultimately, the petitioner is the owner of the property and the petitioner shall not be deprived from enjoying the property just because the tenant had committed an offence.

6. In view of the same, there shall be a direction to the respondents 3 and 4 to remove the lock and seal fixed in the residential property



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N.ANAND VENKATESH, J.

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belonging to the petitioner. This process shall be completed by respondents 3 and 4 within a period of two (2) weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

11.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The District Collector,
Collectorate Campus, Salem.

2.The Superintendent of Police,
Nethimedu, Salem.

3.The Tahsildar,
Yercaud Taluk, Salem District.

4.The Inspector of Police,
Yercaud Police Station, Salem.

5. The Public Prosecutor, High Court, Madras.

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