



WEB COPY



WP.No.1061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.1061 of 2024

Baskaran

... Petitioner

Vs.

1.The District Collector,
Salem District.

2.The Thasildhar,
Office of the Thasildhar,
Yercaud, Salem District.

3.The Inspector of Police,
Yercaud Police Station,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 1st respondent to de-seal the premises of the petitioner herein stands in the name of Apple Cottage, Nagalur Road, Near Ondikadai, Yercaud, Salem District, by considering the representation of the petitioner herein dated 21.11.2023 within a reasonable time as fixed by this Court.

For Petitioner : Mr.A.Prithviraj

For Respondents : Mr.Vadivelu Deenadayalan,
AGP for R1, R2
Mr.R.Kishore Kumar,
Government Advocate for R3



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ORDER

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Read this order in conjunction with and in continuation of order dated

19.01.2024 that reads as follows:

Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for R1 and R2 and Mr.R.Kishore Kumar, learned Government Advocate for R3.

2.The petitioner seeks a mandamus directing R1 being the District Collector of Salem District to de-seal the premises of the petitioner, being Apple Cottage Nagalur Road, near Ondikadai, Yercaud, Salem District ('premises / premises in question'). He has made a representation on 21.11.2023 to similar effect.

3.Learned Additional Governmen Pleader, would, however state that the facts that arise in the present matter do not warrant any intervention by the Court, at least at this juncture. He states that the sealing of premises was itself based on a criminal case having been registered by R3 being the Inspector of Police, on the complaint of the Village Assistant.

4.The Village Assistant has stated that on 31.10.2023 when he was standing near Ondikadai at around 13.00 hrs, a person by name Malaravan approached him and conveyed that two girls aged about 25 and 30 years are available for a cost in the premises in question. When the Village assisatnt inspected the premises he did find two girls sitting there and hence he made a complaint to R3.

5.The sealing of the premises has been done consequent on the aforesaid incident and Mr.Kishore, learned Government Advocate, would confirm that the two girls found have been secured and housed in a Government Home. A status report will be filed by him in this regard.

6.The defence of the petitioner is that the FIR itself only reveals that the girls were sitting in front of his house and the statement of the Village Assistant is thus erroneous. In any event, this would involve assimilation and marshalling of disputed facts and considering the gravity of the offences



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alleged, due enquiry has to be caused by the authority in this regard. In such circumstances, the question of mandamus, prima facie, does not arise.

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7. List on 24.01.2024 at the end of admission list. Counters and status report by then with an advance copy served upon the petitioner.

2. The matter was listed today to await the status report to be filed by R3. In the status report dated Nil. 01.2024, the officer states that upon receipt of the complaint from the Village Assistant, he made a search in Apple Cottage at Ondikadai and two women, viz., Jamuna (27) and Sangeetha (34), both married, were found there. Enquiries reveal, prima facie, that the location was being used for prostitution. Cash as well as condoms were found with the people in the premises.

3. A confession statement has also been recorded from Malaravan arrayed as A1 in the FIR, confirming the aforesaid factual position. The two women were produced before the District Munsif – cum - Judicial Magistrate, Yercaud and handed over to the Government Women Reception Home, District Court Complex Premises, Salem on 31.10.2023 and thereafter they were handed over to their relatives on 03.11.2023 as per the orders passed by the District Munsif-cum-Judicial Magistrate, Yercaud in CMP No.868 of 2023.

4. In light of the sealing of the premises in question consequent on the aforesaid factual events, I reinforce my prima facie view that the question of



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mandamus being issued for de-sealing of the property does not arise. The question of consideration of the representation of the petitioner also does not

Dr.ANITA SUMANTH,J.

arise for the reason that the de-sealing of the premises would be conditional upon the enquiry to be caused as well as orders to be passed by the concerned authorities.

5. This Writ Petition is dismissed. No costs.

24.01.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
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To

- 1.The District Collector,
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Yercaud, Salem District.
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