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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2471 of 2024

Thaiyalnayaki

... Petitioner

Vs.

1.Petroleum & Explosives Safety Organisation (PESO),
Control of Explosive For Jt. Chief Controller of
Explosives South Circle,
No. 26, Haddows Road,
Nungambakkam, Chennai.

2.The Revenue Divisional Officer,
Ariyalur District.

3.The Tahsildar,
Jeyamkondam,
Ariyalur District.

4.The Sub-Inspector Of Police,
T.Palur Police Station,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents 2 and 3 to unseal and unlock and hand over the crackers kept in S.F.No.174 in Nayaganaipriyal Village, Ariyalur District by considering the Petitioner's representation dated



WEB COPY

W.P.No.2471 of



23.01.2024 within time limit fixed by this Court.

For Petitioner	: Mr.R.Gokulakrishnan
For R1	: Mr.R.Subramanian Central Govt. Standing Counsel
For R2 & R3	: Mr.U.Baranidharan Additional Government Pleader
For R4	: Mr.S.Vinoth Kumar Government Advocate (Criminal Side)

ORDER

The Writ of Mandamus has been instituted to direct the respondents 2 and 3 to unseal and unlock and hand over the crackers kept in S.F.No.174 in Nayaganaipriyal Village, Ariyalur District by considering the Petitioner's representation dated 23.01.2024.

2. The Police Authorities on information registered a criminal case for unlawful possession of explosives and consequently, registered a criminal case in Crime No.267 of 2023 under Sections 285, 286 of I.P.C and under Section 4(b) of Explosive Substances Act, 1908. Five persons were arrayed as accused and the petitioner is also one of the accused.



3. Since the explosives are identified in a residential complex, the Police authorities filed an application before the jurisdictional Criminal Court and secured an order to remove the explosives and to destroy the same in the manner known to law. The investigations are in progress. The petition filed by the writ petitioner to de-seal the premises was dismissed by the jurisdictional Criminal Court.

4. Under these circumstances, this Court cannot entertain a writ petition under 226 of the Constitution of India. Once the explosives and the materials are subjected to Criminal case, the Writ Court cannot issue direction to de-seal or hand over possession of the property to the petitioner. It is left open to the petitioner to approach the jurisdictional Criminal Court of Law for the purpose of return of property in the manner contemplated under the code of Criminal procedures.



5. Accordingly, this Writ Petition stands dismissed. No costs.

WEB COPY

05.04.2024

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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W.P.No.2471 of

S.M.SUBRAMANIAM, J.

Jeni

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