



W.P.No.3274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3274 of 2024

Kalaivani,
W/o.Gnanavel

... Petitioner

Vs.

1. The District Collector,
Villupuram District, Villupuram.
2. The Superintendent of Police,
Villupuram District, Villupuram.
3. The District Revenue Officer,
Villupuram District, Villupuram.
4. The Thasildar, Marakanam Taluk,
Villupuram District.
5. The Inspector of Police,
Marakkanam, Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 3 to 5 to de-seal the premises situated at Survey No.500/7 & 500/7B bearing address: Mettu street, Draupathi amman kovil near Marakkanam, Marakkanam Taluk, Villupuram District and by considering the petitioner's representation dated 22.01.2024.



WEB COPY



W.P.No.3274 of 2024

For Petitioner : Mr.D.Balaji
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondent police to desal the premises by considering the representation made by the petitioner on 22.01.2024.

2. Heard Mr.D.Balaji, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. The case of the petitioner is that on 27.08.2023 at about 20.00 hours, the police team entered into the property of the petitioner and had seized illegal arrack and arrested the husband of the petitioner. A First Information Report came to be registered in Crime No.456 of 2023 on 27.08.2023 in this regard. The husband of the petitioner was also remanded to judicial custody.

4. The very next day, the family members were asked to vacate the



W.P.No.3274 of 2024

house and the house was sealed. A representation was made in this regard to deseal the premises and permit the petitioner and her family members to reside in the property. Since the same was not considered, the present writ petition has been filed seeking for appropriate direction.

5. Learned Additional Public Prosecutor, on instructions, submitted that there are four previous cases against the husband of the petitioner and in all these cases, similar offence has been committed. Since the husband of the petitioner continues to commit similar offences, a decision was taken to seal the premises to prevent continuation of commission of such similar offences. Learned Additional Public Prosecutor submitted that investigation is pending in this case.

6. In the considered view of this Court, the property in question is a residential premises. It is not the case of the respondent police that every time the offence was committed only in the same premises. Probably, the husband of the petitioner is involved in repeated crimes of similar nature. It is only in the present First Information Report, the illegal arrack is said to have been stocked in the premises. It has already been seized and the



W.P.No.3274 of 2024

WEB COPY

premises was locked and sealed on 28.08.2023. It continues to be in the same position till date. No useful purpose will be served in keeping the premises under lock and seal endlessly.

7. In view of the above, there shall be a direction to the respondents 3 to 5 to desal the premises of the petitioner forthwith. It is made clear that if the very same premises is again used for committing similar offences, it will be left open to the respondent police to proceed further in accordance with law. This direction is issued only to ensure that the family members of the accused person are not forced to stay in the streets and they are permitted to occupy the premises only to be used as residential premises and not to commit any offence.

This Writ Petition is disposed in the above terms. No costs.

19.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To



W.P.No.3274 of 2024

WEB COPY

1. The District Collector,
Villupuram District, Villupuram.
2. The Superintendent of Police,
Villupuram District, Villupuram.
3. The District Revenue Officer,
Villupuram District, Villupuram.
4. The Thasildar, Marakanam Taluk,
Villupuram District.
5. The Inspector of Police,
Marakkanam, Villupuram District.
6. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



WEB COPY



W.P.No.3274 of 2024

gm

W.P.No.3274 of 2024

19.02.2024