



W.P.No.10042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.10042 of 2024

Sri Bhuvana Tex,
Represented by its Proprietor,
No. 1, Kasiannan Street,
Erode – 638 001.

... Petitioner

Vs.

1. The District Election Officer/District Collector,
Erode District.
2. The Flying Surveillance Team (FST 1B)
17, Parliamentary Constituency / 99 Erode (West) Assembly,
Constituency, Erode.
3. The Inspector of Police,
Chithode Police Station,
Erode District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the first respondent to de-seal the Godown existing in the name of Thirumagal Kalyan Store existing at Anna Street, Chithode Kaligarayanpalayam, Mettunasuvampalayam, Erode District and release the textile goods as seized by the second respondent by the



W.P.No.10042 of 2024

seizure mahazar dated 26.03.2024 by considering the representation of the petitioner herein dated 27.03.2024 within a reasonable time as fixed by this Court.

For Petitioner : Mr.R.Nalliyappan
For R3 : Mr. J. Ravindran
Additional Advocate General

ORDER

The writ of mandamus has been instituted to direct the 1st respondent to de-seal the Godown existing in the name of Thirumagal Kalyan Store existing at Anna Street, Chithode Kaligarayanpalayam, Mettunasuvampalayam, Erode District and release the textile goods as seized by the second respondent by the Seizure Mahazar dated 26.03.2024 by considering the representation of the petitioner dated 27.03.2024.

2. Admittedly, a criminal case has been registered against the petitioner in FIR No.191 dated 26.03.2024, on the file of Chithode Police Station, Erode District.

3. On account of the registration of a Criminal case and based on the seizure of textile materials, which were kept in the premises for distribution to the Voters, the entire shop was sealed by the competent



W.P.No.10042 of 2024

Authorities.

4. The grounds raised in the present writ petition cannot be adjudicated by this Court in exercise of the powers of Judicial Review under Article 226 of the Constitution of India.

5. Such disputed facts are to be established by the petitioner in the manner known to law. Once the criminal case has been registered and the goods are confiscated, the petitioner has to seek relief before the appropriate criminal Court of law. Writ Court cannot conduct a roving enquiry in respect of such disputed facts. Therefore, the petitioner is at liberty to defend his case before the jurisdictional Criminal Court, where the case has been registered.

6. With this liberty, this writ petition stands **dismissed** at the admission stage itself. No costs.

12.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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W.P.No.10042 of 2024

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To

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Erode District.
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W.P.No.10042 of 2024

S.M.SUBRAMANIAM,J.

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W.P. No.10042 of 2024

12.04.2024