



WEB COPY



W.P.No.28227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28227 of 2024

Mr.H.Q.Najumudin.

... Petitioner

/versus/

1. The Commissioner of Police,
Office of the Greater Chennai,
Commissioner Office,
EVK Sampath Road, Vepery,
Chennai – 600 007.

2. The Deputy Commissioner of Police,
Anti-Vice Squad,
Office of Commissioner of Police (Old),
Chennai.

3. The Inspector of Police,
Anti-Vice Squad,
ITP Unit-1,
Old Commissioner of Police, Egmore,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Mandamus to consider the representation dated 27.08.2024 to de-seal the property located at Office No.1, Second Floor, measuring to an extent of 921 square feet in the Golden Enclave, No.184, Poonamallee High Road, Kilpauk, Chennai - 600 010 and handed over the same to the petitioner and pass appropriate order.



WEB COPY



W.P.No.28227 of 2024

For Petitioner : Mr.S.Senthil Kumar.

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the owner of the premises which he has let out to one Mr.Athaullasherif who has leased the property to one Adhavan for running a spa. Later, the premises was given to one Ranjith who was involved in Immoral Traffic offence under the cover of running spa. The police has arrested the said Ranjith and his associates and sealed the premises.

2. The petitioner being owner of the building, no way connected with the offence and by sealing the premises, he is deprived of his livelihood, hence the present petition is filed to de-seal the premises.

3. The Learned Government Advocate (Crl.Side) appearing for the respondent states that since Immoral Traffic offence been carried out in the premises, it was sealed and the persons involved in the crime were secured. Since the premises been used for an illegal activities under the guise of massage



W.P.No.28227 of 2024

centre, to prevent recurrence of the crime, the premises been sealed as per the provisions of Immoral Traffic (Prevention) Act. Further, it is submitted that the key of the sealed premises been handed over to the IV Metropolitan Magistrate, Saidapet, Chennai on 22.07.2024.

4. The Learned Counsel appearing for the petitioner submits that the owner of the premises had no knowledge about the misuse of the premises by the Sublease and ready to give an undertaking that the petitioner will ensure that the premises will not be used for any illegal purpose in future.

5. Considering the facts and circumstances of the case, the ***Writ Petition is disposed of*** with the following directions:

(i) The petitioner herein shall approach the IV Metropolitan Magistrate, Saidapet, Chennai for return of key of the office premises. Along with his petition, he shall file an undertaking affidavit that premises will not be put to use for any illegal activities.

(ii) Subject to satisfaction of the IV Metropolitan Magistrate, Saidapet, Chennai necessary orders shall be passed with the appropriate



W.P.No.28227 of 2024

conditions. The possession of the premises to the petitioner shall not have any bearing on any future action contemplated by the prosecution under Section 18 of Immoral Traffic (Prevention) Act.

22.10.2024

Index : Yes/No

Neutral Citation : Yes/No

bsm

To:-

1. The Commissioner of Police,
Office of the Greater Chennai,
Commissioner Office,
EVK Sampath Road, Vepery,
Chennai – 600 007.
2. The Deputy Commissioner of Police,
Anti-Vice Squad,
Office of Commissioner of Police (Old),
Chennai.
3. The Inspector of Police,
Anti-Vice Squad,
ITP Unit-1,
Old Commissioner of Police, Egmore,
Chennai.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



W.P.No.28227 of 2024

Dr.G.JAYACHANDRAN, J.

bsm

W.P.No.28227 of 2024

22.10.2024