



W.P(MD)No.4214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4214 of 2024

P.Seenivasan

... Petitioner

Vs.

**1.The Tahsildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.**

**2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to unseal and unlock petitioner sale depot, M/s.YYY PYROTECHS at Survey No. 1157/12 Anuppankulam Village and Door No.3/424-A, Sathya Nagar, Anuppankulam, Sivakasi - 626 189, Virudhunagar District by considering the petitioners Explosive License No.E/SS/TN/SH/213 (E124483) issued by the Deputy Chief Controller of Explosives, Sivakasi.

For Petitioner : Mr.M.Solaisamy

**For Respondents : Mr.T.Villavankothai
Additional Government Pleader for R1**

**: Mr.A.Albert James
Government Advocate (Crl.side) for R2**



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ORDER

Heard both sides.

2. The petitioner is engaged in the fire crackers business. The petitioner's godown was sealed on the ground that he kept the petition mentioned articles in an unlicensed place. The petitioner gives an undertaking that he will not use any unlicensed place for keeping or storing the fire crackers. The petitioner's undertaking is recorded. The materials have been kept in the sealed premises.

3. The first respondent has sealed the petition mentioned premises. Crime No.490 of 2023 has been registered on the file of the Sivakasi East Police Station in this regard. The seized material cannot be called as contraband or illegal material. Retaining them in the official custody will not serve any purpose. The first respondent is directed to prepare mahazar and inventory. The petitioner shall affix his signature in the necessary forms. The petitioner will have to necessarily face criminal prosecution. Since the retention of the goods will cause financial loss to the petitioner, the respondents are directed to desal the premises. The premises need not be sealed once again in view of the undertaking given by the petitioner. The petitioner can take back the goods and also dispose them of. The petitioner gives an undertaking that he will remit a sum of Rs.5,000/- towards cost in the bank



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account of **Saksham** (Savings Account No.**50100575869426**, IFSC Code :
HDFC0009496, HDFC Bank, Race Course Branch, Coimbatore). This amount
shall be utilized for leprosy treatment and rehabilitation activities. Upon
furnishing the proof of remittance in favour of **Saksham**, the premises shall be
unsealed.

4. The Writ Petition is allowed. No costs.

15.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Tahsildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.



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