



WP(MD) No.4510 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4510 of 2024

V.Ayyasamy

... Petitioner

/vs./

1.The Deputy Superintendent of Police,
Economic Offences Wing,
No.53, Rajappa Nagar,
1st Street, Medical College Road,
Kundavai Nachiyar Women's College Road (via),
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to consider the Petitioner's representation dated 19.02.2024 seeking prayer to de-seal the rooms belong to the Petitioner.



WP(MD) No.4510 of 2024

WEB COPY

For Petitioner : Mr.G.Karuppasamy Pandiyan
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for Writ of Mandamus, seeking direction against the Respondents to de-seal the rooms belong to the Petitioner, by considering the Petitioner's representation dated 19.02.2024.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner owns a building complex namely, K.V.Complex situated at opposite to Orathanadu Bus stand, Orathanadu Taluk, Thanjavur District. The said complex consists of 10 rooms and the said rooms given for rental purpose. While so, one G.N.Sundarapandiyan was allotted 5 rooms for rental on monthly basis. The said Sundarapandiyan was running a gold jewellery and paid the rent. While running the jewellery, the said person introduced the jewel loan scheme for which the gullible public deposited the amount. The tenant locked the premises and absconded. The depositors who lost their money preferred a complaint with the Respondent Police.



WP(MD) No.4510 of 2024

WEB COPY

3.The Respondents herein had sealed the premises for more than a year. The Petitioner is facing loss due to non payment of rent by the absconding person. Since the Respondent Police sealed the premises, he was unable to lease out to other parties. Therefore, the Petitioner was forced to file this Writ Petition seeking direction against the Respondents to de-seal the rooms. The learned Counsel for the Petitioner also relied on the ruling of the Hon'ble Supreme Court in the case of *Nevada Properties Private Limited, through its Directors Vs State of Maharashtra and Another* reported in (2020) 111 AcrC 625.

4.The learned Government Advocate (Criminal Side) on instructions of the Respondents would submit that initially the case was registered by the District Crime Branch, Thanjavur. The Additional Director General of Police, Tamil Nadu through his proceedings transferred the investigation to the Economic Offences Wing / 1st Respondent. The learned Government Advocate (Crl.side) further submitted that the accused was granted interim anticipatory bail.



WP(MD) No.4510 of 2024

WEB COPY

5.The learned Government Advocate (Crl.side), on instructions of the Respondents, would further submit that the Petitioner is the landlord. The tenant had committed the offence attracting Sections 406 and 420 IPC. He would further submit that the Petitioner herein as landlord had not terminated the tenancy of the accused. Till date, they are continuously receiving complaints from various investors in the jewellery scheme announced by the accused/tenant in this case. The Investigation Officer had only seized the computers at the initial stage of the investigation. The other articles are in the premises belonging to the Petitioner herein.

6.Considering the same, the first Respondent/the Deputy Superintendent of Police, Economic Offences Wing, Thanjavur District, is directed to take inventory of the articles left out in the rented premises by the tenant/Petitioner in the presence of the Petitioner and give a copy of the inventory to the landlord. Also, the Petitioner is within his right to collect the rental arrears from the accused in this case for the premises, in which the articles of the tenant are sealed by the Respondents. The Respondents shall shift them into a single room as stated by the Petitioner and it may be sealed, for which either the tenant or the Respondent



WP(MD) No.4510 of 2024

WEB COPY

Police shall pay the rent till the premises are vacated by the first Respondent after completion of the investigation. Till such time, due rent has to be paid. The Petitioner is within his right to approach the forum concerned for recovery of rent from the accused concerned. The Investigation Officer and his team shall complete the entire process from today within a month after issuing notice.

With the above directions, this Writ Petition is disposed of. No costs.

06.03.2024

Index : Yes / No
Internet : Yes / No
mm

TO:

- 1.The Deputy Superintendent of Police,
Economic Offences Wing,
No.53, Rajappa Nagar,
1st Street, Medical College Road,
Kundavai Nachiyar Women's College Road (via),
Thanjavur District.
- 2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur.



WEB COPY



WP(MD) No.4510 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

mm

Order made in
W.P.(MD)No.4510 of 2024

Dated:
06.03.2024