



W.P(MD)No.11664 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11664 of 2024

and

W.M.P(MD)No.10410 of 2024

Sri NSK Crackers,
Represented by its Partner
N.Sakthivel Rajan,
Door No.61/R, Gandhi Road,
Sivakasi Town,
Sivakasi Taluk,
Virudhunagar District.

... Petitioner

Vs.

1.The District Revenue Officer and
Additional District Magistrate,
Virudhunagar District,
Virudhunagar.

2.The Special Tahsildar
(Matches and Fireworks – Investigation),
Sivakasi,
Virudhunagar District.

3.The Village Administrative Officer,
V.Muthulingapuram Village,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to de-seal the main entrance gate leading to the petitioner's cracker shop and also unlock and provide open access to the petitioner to the petitioner's cracker shop in reference to License No. 127/2022 in Form LE-5 situated in S.No. 262/2, V.Muthulingapuram Village, Virudhunagar Taluk and District and consequently permit the petitioner to peacefully run the business operation in the petition mentioned cracker shop.

For Petitioner : Mr.N.Dhilipkumar
For Respondents : Mr.N.GA.Natraj
Government Advocate

ORDER

Heard both sides.

2.The second respondent herein sealed the petition mentioned premises on the ground that the petitioner was found to manufacture crackers in violation of the norms laid down by the Hon'ble Supreme Court of India.

3.I wanted to know if the statute enables the revenue authority to seal the petitioner's premises. My attention has not been drawn to any such statutory power.



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4.The learned Government Advocate however submitted that the authority resorted to the act of sealing only for the purpose of storing the seized goods.

5.The object of the authority may be in order. But that will not validate an action that is otherwise illegal and without jurisdiction. In fact, Section 38 of the Food Safety and Standards Act, 2006 would call upon the owner of the premises to assume responsibility for the seized materials. A similar approach can very well be adopted in this case also. An inventory can be taken and the petitioner can be made responsible for the safe and proper custody of the seized crackers.

6.The second respondent and the petitioner shall co-ordinate between themselves on **08.06.2024** in the forenoon in this regard. It is open to the second respondent to videograph and photograph the seized material. The petitioner shall undertake to keep safe custody of the seized material and make it available as and when the prosecution demands.



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7.The learned counsel appearing for the petitioner would strongly plead that the manufacture of the crackers is not in contravention of the norms laid down by the Hon'ble Supreme Court of India. This issue can be decided by the learned trial Magistrate. In this writ petition the said issue is left open.

8.I confine the issue only to the legality of the act of sealing done by the second respondent. I hold that the second respondent's act is illegal. The second respondent is directed to de-seal the premises forthwith and without any delay. The keys in respect of the petition mentioned premises shall also be returned to the petitioner. The entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

9.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Issue order copy on 07.06.2024.



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(Matches and Fireworks – Investigation),
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