



W.P.(MD)No.17259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17259 of 2024

Arulmigu Chokkanatha Swamy Thirukovil

Affiliated “ARDHAJAMA KATTALAI”

Represented through its

Managing Trustee,

N.Ramadoss

S/o.Natarajan

D.No.18, Malaipettai Street,

Virudhunagar Town,

Virudhunagar District.

... Petitioner

versus

1. The District Collector,
Dindigul District.
2. The District Collector,
Virudhunagar District.
3. The Superintendent of Police,
Dindigul District.
4. The Superintendent of Police,
Virudhunagar District.



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5. The Tashildar,
Virudhunagar Taluk,
Virudhunagar District.
6. The Inspector of Police,
Economic Offences Wing,
Neruji Nagar, Dindigul.
7. The Inspector of Police,
Economic Offences Wing,
Virudhunagar.
8. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.

... Respondents

Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 8 to remove the lock and seal that is put on the shop building premises located on the First Floor in Door No.172/4, Kacheri Road, Virudhunagar Town, Virudhunagar District and consider the petitioner's representation dated 04.07.2024 and to remove the same.

For Petitioner : Mr.G.Mariappan



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For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner Trust, with a grievance that their property has been locked and sealed by the respondent Police without issuing any proceedings, has approached this Court seeking a direction to the respondent Police to remove the lock and seal put up in the building premises situated at Door No.172/4 Katchery Road, Virudhunagar Town.

2. The learned counsel appearing for the petitioner submits that the property situated at Door No.172/4, Katchery Road, Virudhunagar Town, belongs to the petitioner Trust. The petitioner Trust leased their properties for rent and from that income only, they are doing certain services to Arulmighu Chokkanathasamy Thirukovil at Virudhunagar. The said property was leased out to one Kanmani, who in turn has



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subleased the property to a Finance Company, namely, M/s.S.M.C. Co-operative Housing Society Ltd., without the knowledge of the petitioner Trust. The said Finance Company has not repaid the deposited amount to the depositors, for which, a case in Crime No.1 of 2024 has been registered as against the Finance Company. Now, the respondent Police has locked and sealed the premises without issuing any proceedings to the petitioner Trust. Therefore, the petitioner Trust has approached this Court.

3. The learned Additional Public Prosecutor submits that a Finance Company, namely, M/s.S.M.C. Co-operative Housing Society Ltd., was conducted in the premises by the accused in Crime No.1 of 2024 on the file of the 6th respondent and therefore, in consequent to the investigation, they have locked and sealed the premises.

4. This Court considered the rival submissions made.



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5. The petitioner Trust claims that the property situated at Door No.172/4, Katchery Road, Virudhunagar Town, belongs to the Trust.

The said property was leased out to one Kanmani, who in turn subleased the property to a Finance Company without the knowledge of the petitioner Trust. The respondent Police has locked and sealed the said property in connection with the case in Crime No.1 of 2024.

6. If the property does not belong to the accused in Crime No.1 of 2024 and it belongs to the petitioner Trust, it is not proper on the part of the respondent Police to lock and seal the property, inasmuch as the petitioner Trust is also having an obligation to do some service towards Arulmighu Chokkanathasamy Thirukovil from the income of the property. The respondent Police ought to have obtain an order from the TNPID Court, conduct a search and take out the inventories from the premises, once they found that the accused does not own the premises.



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7. Therefore, this writ petition is disposed of with a direction to the respondents police to consider the petitioner's representation dated 04.07.2024 and take a decision in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Dindigul District.
2. The District Collector,
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