



W.P.(MD)No.18756 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18756 of 2024

A.Giridharan

... Petitioner

Vs.

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

2.The Inspector of Police,
Vempakottai Police Station,
Virudhunagar District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing to the respondents to release and return the 195 Cracker boxes which was taken from the office of the petitioner in Viswanatham Village, Sivakasi, Virudhunagar District in GST Registration Certificate Number 33DIYPG5567DIZW, by considering the petitioner's representation dated 24.05.2024.

For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.D.Gandhiraj,
Spl. Govt. Pleader for R1

Mr.M.Vaikam Karunanithi,
Govt. Advocate (Crl.Side) for R2



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ORDER

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This Writ Petition has been filed seeking direction to the respondents to release and return 195 Cracker boxes which was taken from the office of the petitioner in Viswanatham Village, Sivakasi, Virudhunagar District in GST Registration Certificate Number 33DIYPG5567DIZW, by considering the petitioner's representation dated 24.05.2024.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader, who takes notice for the first respondent and the learned Government Advocate (Crl. Side), who takes notice for the second respondent.

3. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he is running a transport and logistics industry and no license is required for running the same. They used to transport the crackers to various parts of Tamil Nadu. However, much quantity of the crackers, which kept for transport have been seized. Hence, the petitioner has filed this Writ Petition.



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5. The learned Government Advocate (Crl. Side) appearing for the second respondent submits that a case has been registered in Crime No.170 of 2023 under Section 9(B) (1)(b) of Indian Explosives Act and investigation is pending. He further submitted that one Selvaraj and Giridharan have taken a godown on lease and stored the crackers without any license.

6. Considering the facts and circumstances of the case, this Court is of the view that this Writ Petition is not maintainable, as a criminal case has been registered and explosive substances have been seized and handed over to the Magistrate. Let the petitioner approach the concerned Magistrate for release of the goods. If any such application is filed, the concerned Magistrate, keeping in mind of the nature of the explosive, pass an order either to return the explosives immediately or destroy the same, after taking photographs.

7. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
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vsm

To

- 1.The District Collector/Monitoring Committee,
Collectorate Office,
Thanjavur District.
- 2.Tashildar,
Pabanasam Taluk,
Thanjavur District.

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