



W.P(MD)No.25604 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.25604 of 2024
and
W.M.P.(MD)No.21713 of 2024

K.Vasuki

...Petitioner

Vs.

1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

2.The Inspector of Police,
Sivakasi Town 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 respondents No. 1 and 2 to remove the Lock and Seal of the premises of the petitioner Sri Mariamman Transport at Kavitha Nagar, Viswanatham, Sivakasi Taluk, Virudhunagar District by considering the petitioners GST Registration Certificate Number in 33BPUPV3788F1ZZ and considering the petitioners representation dated 21.10.2024, within the time stipulated by this Court.



WEB COPY



W.P(MD)No.25604 of 2024

For Petitioner : Mr.E.Mareeskumar

For R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R1 : Mr.M.Muthumanikkam,
Government Advocate(Civil Side)

ORDER

The Writ Petition has been filed seeking a Writ of Mandamus, to direct the respondents No. 1 and 2 to remove the Lock and Seal of the premises of the petitioner Sri Mariamman Transport at Kavitha Nagar, Viswanatham, Sivakasi Taluk, Virudhunagar District by considering the petitioners GST Registration Certificate Number in 33BPUPV3788F1ZZ and considering the petitioners representation dated 21.10.2024, within the time stipulated by this Court.

2.Mr.M.Muthumanikkam,learned Government Advocate(Civil Side) takes notice for the first respondent and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the second respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.25604 of 2024

WEB COPY

3.The case of the petitioner is that she and her husband jointly running the transport business in the name and style of Sri Mariamman Transport, that they used to take parcels from the printing press and crackers industries to deliver the goods to their customers in their door steps, that the fire works customers had booked the parcels in their transports to deliver the cracker boxed to their customers for the present Deepavali, that on 18.10.2024, the officials of the first respondent visited the petitioner's office and while their workers were loading the goods to send the parcels to the various parts of the nation, by all of a sudden, the first and second respondents stopped the work and after obtaining complaint from the Village Administrative Officer, Viswanatham, registered a case in Cr.No.380 of 2024 for the offence under Sections 9(B)1(b) of the Explosives Act, 1984 and without issuing any notice or without giving any opportunity to the petitioner, the respondents locked and sealed their premises on the same day, that the respondents after sealing the premises had taken the keys with them, that the cracker boxes, worth about Rs.6 Lakhs has been kept inside the petitioner's premises, but the respondents, without following any safety measures,



W.P(MD)No.25604 of 2024

WEB COPY

had locked the premises and that therefore, the petitioner is constrained to approach this Court.

4.The learned Additional Public Prosecutor appearing for the second respondent would submit that since they have transported crackers, without any proper permission, FIR came to be registered in Cr.No.380 of 2024 for the offence under Section 9(B)1(b) of the Explosives Act, 1984 and that the investigation is pending.

5.The learned counsel appearing for the petitioner would submit that even in the last year, the respondents had done the same mistake in the various transport companies in Sivakasi and this Court has passed many orders as against the very same respondents directing them to unlock and unseal the premises. The learned counsel for the petitioner would rely on the decision of this Court in Manikandan Vs. The Tahsildar and another passed in W.P.(MD)No.26100 of 2023 dated 30.10.2023 and the relevant passages are extracted hereunder:-

4.The petitioner is restrained from using the petition-mentioned premises for keeping fire crackers without obtaining license. Since keeping the articles under official custody is not going to serve any purpose,



WEB COPY



W.P(MD)No.25604 of 2024

the respondents are directed to return the seized materials to the petitioner after preparing proper magazar. I make it clear that the reliefs given to the petitioner are only de-sealing of the premises and handing over to the seized items after conducting proper inventory. The petitioner has to necessarily face criminal prosecution. After receiving the materials from the respondents, the petitioner can very well transport them to the customers. The petitioner will affix his signature on the required forms. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

6.The learned counsel for the petitioner would also rely on the decision of this Court in Sri Sai Crackers World Vs. The District Revenue Officer and others passed in W.P.(MD)No.11661 of 2024 dated 06.06.2024 and the relevant passages are extracted hereunder:-

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



WEB COPY



W.P(MD)No.25604 of 2024

entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

7.The above decisions are squarely applicable to the case on hand. Considering the facts and circumstances of the case and the legal position above referred, this Court has no hesitation to hold that the act of the respondents in locking and sealing the petitioner's premises cannot legally be sustained. Hence, the respondents are directed to unlock and unseal the premises immediately and the keys in respect of the petitioner's premises shall be returned to the petitioner. The petitioner, after opening the premises, can very well transport the goods to their customers. However, this Court makes it clear that the petitioner has to necessarily face the criminal prosecution.

8.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

Index :Yes/No

Internet : Yes/ No

gns

Note: Issue order copy on 28.10.2024



W.P(MD)No.25604 of 2024

WEB COPY

To

- 1.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.



WEB COPY



W.P(MD)No.25604 of 2024

K.MURALI SHANKAR, J

gns

W.P.(MD)No.25604 of 2024

25.10.2024