



W.P.(MD).No.27560 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27560 of 2024

and

W.M.P.(MD)No.23372 of 2024

Marimuthu

... Petitioner

Vs.

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

2.The Special Tahsildar,
Match and Fire Work Unit Inspection,
Sivakasi,
Virudhunagar District.

3.The Inspector of Police,
Sivakasi East 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 Certiorarified Mandamus, to call for the records pertaining to the impugned order made in Na.Ka.E4/151/2024 dated 09.05.2024 passed by the 1st respondent and to quash the same as arbitrary and illegal and consequently direct the 1st respondent to remove the lock and seal of the premises of the petitioner bearing in D.No.2/41, comprised in S.No.314/2 at



W.P.(MD).No.27560 of 2024

Paraipatti Street, Jameen Salvarpatti, Naranapuram,
V.Chokkalingapuram Village, Sivakasi Taluk, Virudhunagar District
within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Raja Ravi Varma

For R-1 & R-2 : Mr.D.S.Neduncheliyan,
Government Advocate

For R-3 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for
final hearing at the admission stage itself.

2.This writ petition has been filed to call for the records
pertaining to the impugned order made in Na.Ka.E4/151/2024
dated 09.05.2024 passed by the 1st respondent and to quash the
same as arbitrary and illegal and consequently direct the 1st
respondent to remove the lock and seal of the premises of the
petitioner bearing in D.No.2/41, comprised in S.No.314/2 at
Paraipatti Street, Jameen Salvarpatti, Naranapuram,



W.P.(MD).No.27560 of 2024

V.Chokkalingapuram Village, Sivakasi Taluk, Virudhunagar District
within the time limit that may be stipulated by this Court.

3.The second respondent herein sealed the petition mentioned premises on the ground that the petitioner was manufacturing crackers in violation to the norms laid down by the Hon'ble Supreme Court of India. While being so, the 1st respondent without giving an opportunity of hearing to the petitioner, has passed the impugned order dated 09.05.2024 based on the aforesaid lock and seal. Challenging the same, this writ petition came to be filed.

4.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.

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



W.P.(MD).No.27560 of 2024

WEB COPY

6.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.

7.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.

8.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.



W.P.(MD).No.27560 of 2024

WEB COPY

9.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. In view of the same, the impugned order passed by the 1st respondent is hereby quashed. 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(2) weeks from the date of receipt of a copy of this order.

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

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



W.P.(MD).No.27560 of 2024

WEB COPY To

- 1.The District Revenue Officer and
Additional District Magistrate,
Virudhunagar District,
Virudhunagar.
- 2.The Special Tahsildar,
Match and Fire Work Unit Inspection,
Sivakasi,
Virudhunagar District.
- 3.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.



WEB COPY



W.P.(MD).No.27560 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.27560 of 2024

19.11.2024