



W.P.(MD) No.29756 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.29756 of 2024

Anandharaj

... Petitioner

-VS-

1.The Food Safety Officer,
Puliyankudi,
Kadayanallur Taluk,
Tenkasi District.

2.The Inspector of Police,
Sivagiri Police Station
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the first respondent to remove the seal affixed in the petty shop in Door No.54, Pillayar Kovil Street, Royagiri, Sivagiri Taluk, Tenkasi District in view of representation dated 18.11.2024.



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For Petitioner : Mr.M.Jothi Basu
For R1 : Mr.D.Gandhi Raj
Special Government Pleader
For R2 : Mrs.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed for a direction directing the first respondent to remove the seal affixed in the petty shop in Door No.54, Pillayar Kovil Street, Royagiri, Sivagiri Taluk, Tenkasi District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel on either side and perused the materials available on record.

4. The petitioner is running a petty shop in Door No.54, Pillayar Kovil Street, Royagiri, Sivagiri Taluk, Tenkasi District. While being so, the second respondent on inspection found in possession of Tobacco products and seized same from the petitioner's shop and registered a case in Cr.No.324 of 2024



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for the offences under Sections 24(1) of Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production Supply and Distribution) Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015. In pursuant to the registration of the FIR, the petitioner's shop was lock and sealed by the first respondent and the petitioner was also arrested and remanded into judicial custody. Subsequently, he was enlarged on bail, in the meanwhile, the first respondent has taken the samples of Tobacco products.

5. The learned Government Advocate (Crl.side) appearing for the second respondent would submit that the petitioner has already involved in similar offences on three occasions and the cases have been registered in Cr.No. 593 of 2019, on the file of the Kancheepuram Prohibition of Economic Offence Wing for the offences under Section 4(1)(a) TNP Act, in Cr.No.209 of 2024, on the file of the Inspector of Police, Sivagiri Police Station for the offence under Section 7(3) of Lottery Act, in Cr.No.425 of 2023, on the file of the Sivagiri Police Station for the offence under Section 24(1) COTPA Act & 77JJ Act UI and in Cr.No.390 of 2023, on the file of the Sivagiri Police Station for the offence



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under Section 24(1) COTPA Act.

6. The present FIR registered as against the petitioner is pending for investigation, that apart, samples were sent for Food Analysis Report. Therefore, the representation submitted by the petitioner to remove the Lock and Seal cannot be considered at present. Therefore, the writ petition is devoid of merits and is liable to dismissed.

7. Accordingly, the writ petition is dismissed. No costs. The first respondent is directed to complete the enquiry process on imposition of fine within a period of eight weeks from the date of receipt of a copy of this order and thereafter, consider the request made by the petitioner to remove the Lock and Seal of the petitioner's shop in the manner known to law.

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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G.K.ILANTHIRAIYAN, J.

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