



W.P.No.8209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8209 of 2025
and W.M.P.Nos.4000 and 4001 of 2025

Harichandran

... Petitioner

VS.

1. The Assistant Commissioner of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.

2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.

3. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu.

4. Suresh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of mandamus direct the 1st and 2nd respondent to de-seal of the petitioner's shop and restoration of possession of the premises to the petitioner on his representation dated 04.03.2025.



WEB COPY



W.P.No.8209 of 2025

For Petitioner : Mr.S.Stalin Raja

For R1 to R3 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the 1st and 2nd respondent to de-seal of the petitioner's shop and restoration of possession of the premises to the petitioner on his representation dated 04.03.2025.

2. It is the case of the petitioner that he is running a restaurant cum bar in the brand of “The Thief” located at No.5/50, Kodambakkam High Road, Nungambakkam, Chennai 34. While so, on 25.01.2025, the third respondent arrested, staff of the petitioner in pursuant to the registration of FIR.No.37 of 2025. Thereafter, the second respondent along with officials locked the premises without any valid order from the Court or authorised from the concerned authorities. Hence, the petitioner sent a representation dated 04.04.2025 to the respondents to open the premises. However, the respondents 1 and 2 have not taken any action on the said representation. Aggrieved by the same, the petitioner has filed the present writ petition.



W.P.No.8209 of 2025

3. The learned counsel appearing for the petitioner would submit that there is no breach of statutory provision of law .

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents 1 to 3 and perused the materials available on record.

5. On perusal of the counter affidavit filed by the second respondent and also on the submission made by the learned Government Advocate for the respondents 1 to 3, it reveals that on 25.01.2025, on receipt of the secret information by the 3rd respondent, the respondent police conducted search on the accused persons and found that they were in possession of Narcotic substances. They were arrested and a case was registered in FIR in Crime No.37 of 2025 under Sections 8(c), 22(D) and 25 of the NDPS Act, 1985. Totally, there are 14 accused were involved and they were in possession of Cocaine, Ganja and OG ganga and they are selling contraband in the restaurant- bar in the name of “The Thief”. During investigation, they have given the confession statement that they are distributing Cocaine to customers visiting “The Thief bar” and with the knowledge of the petitioner . Further, it



W.P.No.8209 of 2025

reveals that the bar and other members had indulged in such illegal activities.

Therefore the petitioner's bar has been sealed.

6. That apart , already FIR has been registered in Cr.No.374 of 2024 for the offences under Section 20(2), 21(1) of Cigarette and Other Tobacco Products Acts, 2003 and Section 24 of the Tamil Nadu Prohibition Act, as against the petitioner on the file of the second respondent and another FIR was also registered in Crime No.213/2022 under Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003. Therefore, the petitioner is an habitual offender and indulging in such illegal activities . Hence, the second respondent locked the premises of the petitioner.

7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kkd



W.P.No.8209 of 2025

WEB COPY

To

1. The Assistant Commissioner of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.
2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.
3. The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.8209 of 2025

G.K.ILANTHIRAIYAN, J.

kkd

W.P.No.8209 of 2025

24.03.2025