



W.P.No.17757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

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

W.P.No.17757 of 2023
and W.M.P.No.16855 of 2023

Nasreen Begum

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner of Police,
Greater Chennai,
E.V.K.Sampath Road,
Vepery, Chennai – 600 007.

3. The Deputy Commissioner of Police,
Washermenpet Range,
Greater Chennai Police,
Tondiarpet,
Chennai.

4. The Assistant Commissioner of Police,
Washermenpet Range,
Greater Chennai Police,
Tondiarpet, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Declaration, declaring the locking and sealing



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of the front shop portion facing DSK Street of the Petitioner's premises situated at Old No.13, New No.31, Parasuraman 1st Street, Old Washermenpet, Chennai – 600 001, by the 4th respondent as illegal and without jurisdiction and consequently direct to respondents to de-seal the petitioner's premises.

For Petitioner : Mr.L.Abdul Basith

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for declaration declaring that the lock and seal of the front shop portion of the petitioner's premises situated at Old No.13, New No.31, Parasuraman 1st Street, Old Washermenpet, Chennai – 600 001, facing DSK Street, by the fourth respondent as illegal and without jurisdiction and consequently direct to respondents to de-seal the petitioner's premises.

2. The petitioner owned premises situated at Old No.13, New No.31, Parasuraman 1st Street, Old Washermenpet, Chennai. A front shop portion of the above said premises facing DPK Street was originally leased out to an organization viz., Popular Front of India, Tamil Nadu, claiming itself to be involved in social activities. While being so, the



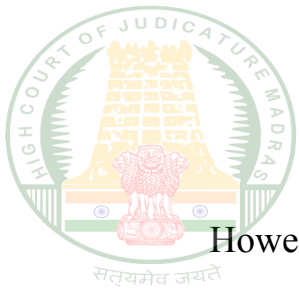
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Government of India vide its notification dated 27.09.2022 in No.S.O.4559(E) declared that the Popular Front of India as unlawful association and the same was also notified by the Government of Tamil Nadu vide order in G.O.No.SS.1/372/-1 Public (SC) Department dated 28.09.2022. The said organization was tenant under the petitioner and now declared as unlawful association. Immediately, the petitioner asked the said organization to vacate and hand over the vacant possession of the said property.

3. While being so, on 27.10.2022, the fourth respondent visited the premises and without any prior intimation to the petitioner locked and sealed the said portion without following any procedure as contemplated under Section 8 of the Unlawful Activities (Prevention) Act, 1967. Hence, the petitioner filed the present writ petition.

4. The learned counsel appearing for the petitioner submitted that the Popular Front of India now declared as unlawful association. The petitioner owned the property and he leased out the same to the Popular Front of India for rent. Immediately, after knowing the declaration of government, the petitioner orally asked the tenant to vacate the premises.



However, it is kept under lock and seal by the fourth respondent.

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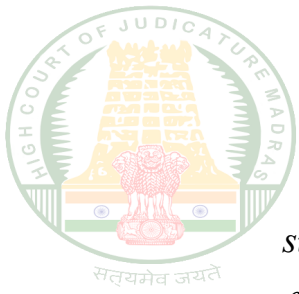
5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is relevant to extract the provision under Section 8 of the Unlawful Activities (Prevention) Act, 1967, as follows:-

“8. Power to notify places used for the purpose of an unlawful association.—

(1) Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, the Central Government may, by notification in the Official Gazette, notify any place which in its opinion is used for the purpose of such unlawful association. Explanation.—For the purposes of this sub-section, “place” includes a house or building, or part thereof, or a tent or vessel.

(2) On the issue of a notification under sub-section (1), the District Magistrate within the local limits of whose jurisdiction such notified place is situate or any officer authorised by him in writing in this behalf shall make a list of all movable properties (other than wearing-apparel, cooking vessels, beds and beddings, tools of artisans, implements of husbandry, cattle, grain and food-stuffs and



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such other articles as he considers to be of a trivial nature) found in the notified place in the presence of two respectable witnesses.

(3) If, in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purpose of the unlawful association, he may make an order prohibiting any person from using the articles save in accordance with the written orders of the District Magistrate.

(4) The District Magistrate may thereupon make an order that no person who at the date of the notification was not a resident in the notified place shall, without the permission of the District Magistrate, enter, or be on or in, the notified place: Provided that nothing in this sub-section shall apply to any near relative of any person who was a resident in the notified place at the date of the notification.

(5) Where in pursuance of sub-section (4), any person is granted permission to enter, or to be on or in, the notified place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the District Magistrate.

(6) Any police officer, not below the rank of a sub-inspector, or any other person authorised in this behalf by the Central Government may search any person entering, or seeking to enter, or being on or in, the notified place and may detain any such person for the purpose of searching



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him: *Provided that no female shall be searched in pursuance of this sub-section except by a female.*

(7) *If any person is in the notified place in contravention of an order made under sub-section (4), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any officer or by any other person authorised in this behalf by the Central Government.*

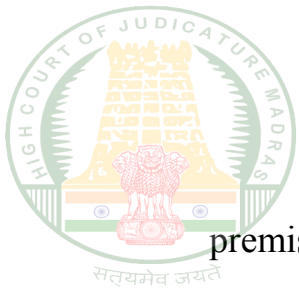
(8) *Any person aggrieved by a notification issued in respect of a place under sub-section (1) or by an order made under sub-section (3) or sub-section (4) may, within thirty days from the date of the notification or order, as the case may be, make an application to the Court of the District Judge within the local limits of whose jurisdiction such notified place is situate—*

(a) for declaration that the place has not been used for the purpose of the unlawful association; or

(b) for setting aside the order made under sub-section (3) or sub-section (4), and on receipt of the application the Court of the District Judge shall, after giving the parties an opportunity of being heard, decide the question.”

Therefore, nowhere stated about the power vested with the concerned authority to lock and seal the premises, as done in the present case.

7. That apart, the petitioner is not an accused and the subject



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premises was leased out in favour of the Popular Front of India, Tamil Nadu. Now, they vacated the premises as such, simply kept the premises under lock and seal would not serve any purpose.

8. In view of the above discussions, the lock and seal of the front shop portion of the petitioner's premises situated at Old No.13, New No.31, Parasuraman 1st Street, Old Washermenpet, Chennai – 600 001, facing DSK Street, by the fourth respondent is declared as null and void and the fourth respondent is directed to de-seal the premises forthwith. The petitioner can very well deal with the said property.

9. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner of Police,
Greater Chennai,
E.V.K.Sampath Road,
Vepery, Chennai – 600 007.

3. The Deputy Commissioner of Police,
Washermenpet Range,
Greater Chennai Police,
Tondiarpet,
Chennai.

4. The Assistant Commissioner of Police,
Washermenpet Range,
Greater Chennai Police,
Tondiarpet, Chennai.

5. The Public Prosecutor,
Madras High Court,
Chennai.

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