



W.P.No.36439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

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

W.P.No.36439 of 2024

P.Naresh Giri

...Petitioner

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Periamet,
Chennai – 600 003.

2. The Zonal Officer-II,
Zonal Office – II,
Greater Chennai Corporation,
Manali, Chennai – 600 068.

3. The Inspector of Police,
M-2, Madhavaram Milk
Colony Police Station,
Madhavaram Milk Colony,
Chennai – 600 051.

4. Mohamed Ishack
(R4 impleaded as per order
dated 17.02.2024 made in
W.M.P.No.4548 of 2025
in W.P.No.36439 of 2024)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to de-seal/remove the seal and lock from the petitioner's property premises of Plot Nos.6 and 12 'Srinivas Nagar' comprised in Survey No.82/4G, and No.82/4A7, of Kosappur Village, Madhavaram Taluk, Chennai, which was sealed by the second respondent herein in connection with the case of Crime No.52 of 2024 on the file of the third respondent/police herein and consequently permit the petitioner herein to use and enjoy the property with his ownership rights.

For Petitioner : Mr.K.Senthil Kumar

For Respondents

For R3 : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for direction to direct de-seal and remove the lock and seal from the petitioner's property comprised in Survey No.82/4G, and No.82/4A7, situated at Plot Nos.6 and 12, Srinivas Nagar, Kosappur Village, Madhavaram Taluk, Chennai.

2. The petitioner is the owner of the property situated at Plot Nos.6 and 12, Srinivas Nagar, Kosappur Village, Madhavaram Taluk, Chennai. He let out the property in favour of the fourth respondent to

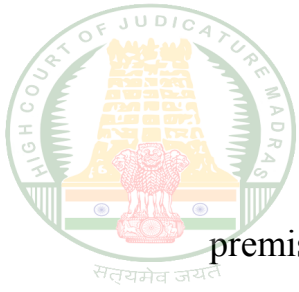


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carry out vegetable wholesale business. While being so, the third respondent registered a case in Crime No.52 of 2024 for the offences punishable under Section 328, 353, 506(i) of IPC and Section 7(3) r/w 20(2) of Cigarette and Tobacco Products Act, 2003 on 08.02.2024, on the allegation that the petitioner's tenant was in possession tobacco products to the tune of rupees one crore and also seized an amount of Rs.12,65,000/-. In pursuant to the registration of FIR as against four accused persons, two of them were arrested and remanded to judicial custody. Due to the registration of FIR, the premises was under lock and seal by the respondents 1 & 2.

3. The learned Government Advocate (Crl. Side) appearing for the third respondent submitted that the third respondent has nothing to do with the lock and seal of the petitioner's premises put up by the second respondent. He further submitted that the FIR is still pending under investigation.

4. Admittedly, the petitioner is not an accused. The petitioner had rented out the premises and his tenant committed the offence in the



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premises. Further the entire contraband were seized from the premises and the premises is under lock and seal. Considering the above facts and circumstance, the second respondent is directed to conduct enquiry in this regard and pass orders on the request made by the petitioner to de-seal and remove the lock and seal of the petitioner's premises, within a period of six weeks from the date of receipt of a copy of this Order.

5. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

17.02.2024
(¹/₂)

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

rts



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WEB COPY To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Periamet,
Chennai – 600 003.
2. The Zonal Officer-II,
Zonal Office – II,
Greater Chennai Corporation,
Manali, Chennai – 600 068.
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M-2, Madhavaram Milk
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Madhavaram Milk Colony,
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4. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



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G.K.ILANTHIRAIYAN. J,

rts

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(¹/₂)