



W.P.(MD) No.3208 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.3208 of 2025

W.M.P.(MD) No.2242 of 2025

Vignesh

... petitioner

Vs

1. The Tahsildar
Sivakasi Taluk,
Virudhunagar District.

2. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of Mandamus, to direct the respondents No.1 and 2 to remove the lock and seal of the premises of the petitioner Karkuvel Transport at No.3/713B, Near Global Match Building, Vijayalakshmi Colony East, Sivakasi Taluk, Virudhunagar District by considering the petitioner's GST Registration Certificate Number in 33AAWFK9912B1Z6 and considering the petitioner's representation dated 27.01.2025, within the time stipulated by this Court.



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For Petitioner : Mr.E.Mareeskumar

For Respondents

For R1 : Mr.M.Sakthi Kumar

Government Advocate (Crl.)

For R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition is filed by the petitioner to direct the respondents to remove the lock and seal of the premises of the petitioner Door No. 3/713B near Global Match Building, Vijayalakshmi Colony East, Sivakasi Taluk, Virudhunagar District by considering the representation of the petitioner dated 27.01.2025.

2. According to the petitioner, he and his brother are running a transport in the name and style of Karukuvel Transport in the above said address. They used to take parcels from the printing crackers industries and thereafter, they used to deliver the goods to the customers in the door steps. In the above said circumstances, for the present diwali, the customers have booked their parcels in their transport and in order to deliver the cracker boxes, the petitioner used to keep the crackers in the transport office and after storing, they used to take for delivery. While so,

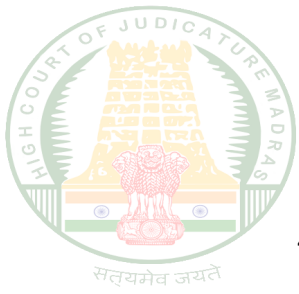


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the second respondent surprisingly visited the office premises on 23.01.2025, while the workers are loading the goods to send the parcels.

All of a sudden, the second respondent stopped the work and obtained a criminal complaint from Village Administrative Officer of Viswanatham and registered a case in Crime No. 65 of 2025 under Section 9 (B) 1 (b) of Explosive Act, 1984. Without giving any opportunity, the respondents locked the premises of the petitioner and more than 250 boxes of crackers were received and kept in the office. In order to transport the crackers, the petitioner need not get any license. However, without giving any opportunity, the respondents have sealed the premises. Therefore, they sent a representation dated 27.01.2025 and the same has not been considered. Hence, he filed this petition.

3. The Government Advocate (Civil Side) appearing for the first respondent would submit that the petitioner without any license stored the crackers in the office and therefore, they seized the materials and locked the premises. In order to store the materials, the petitioner has to obtain license, but in this case, the petitioner has not obtained any license for storing the materials. Therefore, the petition is liable to be dismissed.



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4. The Government Advocate (Criminal Side) appearing for the second respondent would submit that the petitioner without getting any license stored the explosive crackers in the premises and based on the complaint given by the Village Administrative Officer of the concerned village, the second respondent registered a Crime No.65 of 2025 and the 2nd respondent also made a surprise inspection. At that time, they came to know about the illegal storage of the crackers and therefore, they locked the premises.

5. This Court heard the learned counsels on both sides and perused the records.

6. It is an admitted fact that the petitioner along his brother are doing business of transport and in the course of the transport, they used to take crackers in the transport to various places. While so, the petitioner had stored the materials in the office for the purpose of transportation. At that time, the respondents made a surprise visit and found the cracker boxes. According to the petitioner, those cracker boxes are kept for transport purpose and they have not stored the materials in the premises. Therefore, the respondents without any enquiry locked the premises. The



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learned counsel for the petitioner also referred the judgment of this Court in ***K.Vasuki Vs. The Tahsildar and another (W.P.(MD) No.25604 of 2024 dated 25.10.2024)***. Wherein, this Court after referring the judgment of ***Manikandan Vs. Tahsildar and another in W.P.(MD) No.26100 of 2023 dated 30.10.2023*** held that the act of respondent in locking and sealing the petitioner's premises cannot legally be sustained and directed the respondents to unlock and unseal the premises immediately. The decision of this Court in ***Manikandan Vs. Tahsildar and another in W.P.(MD) No.26100 of 2023 dated 30.10.2023*** is extracted hereunder:

“4. The petitioner is restrained from using the petition-mentioned premises for keeping fire crackers without obtaining license. Since keeping the articles under official custody is not going to serve any purpose, the respondents are directed to return the seized materials to the petitioner after preparing proper magazar. I make it clear that the reliefs given to the petitioner are only de-sealing of the premises and handing over to the seized items after conducting proper inventory. The petitioner has to necessarily face criminal prosecution. After receiving the materials from the respondents, the petitioner can very well transport them to the customers. The petitioner will affix his signature on the required forms. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.”



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WEB COPY 7. Therefore, this Court while passing orders in the similar kind of case observed that keeping articles under the official custody is not going to serve any purpose and the respondents are directed to return the seized materials from the petitioner after preparing proper magazar.

8. In view of the above said judgments of this Court, it is appropriate to direct the respondents to unlock and unseal the premises immediately and allow the petitioner to take the cracker boxes after conducting proper inventory and the petitioner can face the criminal prosecution. After receipt of the properties, the petitioner is at liberty to transport them to the customers.

9. With the above said observations and directions, this writ petition is allowed. No costs. Consequently, connected Criminal Miscellaneous Petition is also closed.

10.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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1. The Tahsildar
Sivakasi Taluk,
Virudhunagar District.
2. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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Note: Registry is directed to issue order copy today i.e.19.02.2025.

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