

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1674 of 2025

Arising Out of PS. Case No.-301 Year-2025 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Indu Devi Wife of Basant Kumar Singh, Resident of Mohalla - Nayatola,
P.O.- Head Office Muzaffarpur, P.S.- Kaji Mohammadpur, District –
Muzaffarpur - 842001, Bihar.

... .. Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Muzaffarpur. Bihar
2. The District Magistrate, Muzaffarpur. Bihar
3. The Sub-Divisional Magistrate, Muzaffarpur (East), Dist.- Muzaffarpur. Bihar
4. The Senior Superintendent of Police, Muzaffarpur. Bihar
5. The Sub-Divisional Police Officer-Town, District - Muzaffarpur. Bihar
6. The SHO (Station House Officer), Nagar Thana Muzaffarpur, Dist.- Muzaffarpur. Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Gyanendra Kr. Shukla, Advocate
For the Respondent/s : Mr. A.A.G.05

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-01-2026 Heard learned counsel for the parties.

2. The present petition has been filed by the
petitioner seeking following reliefs:

“(i) For issuance of a writ in the nature of Certiorari for quashing the order contained in Letter No. 1943 dated 12.06.2025, issued by the Sub-Divisional Magistrate, Muzaffarpur (East), whereby the premises of Hotel Central Park, situated at Aghoria Bazar, Muzaffarpur, was sealed on 13.06.2025 pursuant to a notice erroneously dated 13.06.2024 instead of the correct date of 13.06.2025, without issuance of any show cause notice or affording an opportunity of hearing to the petitioner’s husband, who is the landlord of the



said premises, in gross violation of the principles of natural justice and the mandatory provisions of Section 18(1) of the Immoral Traffic (Prevention) Act, 1956.

(ii) For issuance of an appropriate writ, order or direction, including a writ in the nature of certiorary or mandamus, commanding the respondent authorities to forthwith delete the name of the petitioner's husband from the array of the accused persons in Nagar Thana, Muzaffarpur P.S. Case No. 301 of 2025, dated 10.6.2025, registered under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956, as he has no involvement whatsoever in the alleged offence and has been falsely and arbitrarily implicated without any cogent evidence in support thereof.

(iii) For issuance of any appropriate writ(s), order(s), or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. At the outset, learned counsel for the petitioner submits that so far as the relief no. 2 is concerned, in supervision note, the supervising authority has also found that there is no involvement of the husband of the petitioner in the whole occurrence and therefore, he does not want to press relief sought as relief no. 2.

4. Briefly stated, the prosecution case as it appears from the record is that finding the premises, a hotel owned by the husband of the petitioner, being used in immoral trafficking, the said premises, namely Hotel Central Park, was sealed by the



police in connection with Muzaffarpur Town P.S. Case No. 301 of 2025 registered under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956.

5. Learned counsel for the petitioner submits that the sealing has been made in contravention to the provisions of Section 18 of the Immoral Traffic (Prevention) Act, 1956. The Section 18 of the said Act provides furnishing a show cause notice to the owner / landlord / lessor or agent, whose house, room, place of question was being run or used as brothel or by prostitutes for carrying out their trade. And the noticee is supposed to reply to this show cause within seven days. No such notice has been given to the husband of the petitioner.

6. Learned counsel further submits that moreover, the husband of the petitioner has let out the premises to one Ankit Kumar and a rent agreement has been annexed with the present writ petition. The same fact was taken note of by the supervisory authority during the investigation. Learned counsel further submits that the husband of the petitioner has taken a loan of rupees sixty-six lakh from a financial institution for constructing the hotel Central Park and had been paying monthly installments of rupees seventy-five thousand four hundred and seventy, but due to abrupt sealing, he is not able to



run the hotel and severe financial distress has been caused to the petitioner, who is wholly dependent on income from this rented premises for his upkeep. He has also given detailed representation to the I.G., Tirhut Division, Muzaffarpur in this regard, but no action has been taken.

7. Learned counsel further submits that a counter-affidavit has been filed on behalf of the State respondent nos. 4 to 6, but counter-affidavit is silent on the point that legal requirement of furnishing a notice to the landlord has not been complied with by the authorities. Learned counsel referred to a decision of learned single judge of this Court in the case of *Noorjahan Khatoon & Anr. v. State of Bihar & Ors.* reported in *2021 (6) BLJ 430*, wherein on the ground that no show cause notice was issued to the petitioners, and no hearing was provided to the petitioners and thus, procedure prescribed under Section 18 of the Act was not followed, the order for sealing of the premises was set aside.

8. Learned counsel for the State respondent vehemently contends that there is no illegality in the impugned order. He further submits that the petitioner has no *Locus standi* in the present writ petition as she is not the owner of the premises in question. The premises of the husband of the



petitioner was being used as a place for immoral purposes and during investigation the names of the accused Ankit Kumar as well as the husband of the petitioner transpired for being involved in allowing the premises to be used for the purpose of prostitution. The witnesses examined during investigation have supported the prosecution case against the husband of the petitioner and his hotel. However, he very fairly concedes that no girl or female was found or apprehended from the hotel of the husband of the petitioner.

9. Having regard to the facts and circumstances of the case and rival submission of the parties, whatever might be the submission of learned State counsel about *Locus standi* of the petitioner, it is a fact that she is the wife of the owner of the premises in question. Now, Section 18 of Immoral Traffic (Prevention) Act, 1956 is as under:

“(1) A Magistrate may, on receipt of information from the police or otherwise, that any house, room, place or any portion thereof with a distance of two hundred meters of any public place referred to in sub-section (1) of section 7, is being run or used as a brothel by any person, or is being used by prostitutes for carrying on their trade, issue notice on the owner, lessor or landlord of such house, room, place or portion or the agent of the owner, lessor or landlord or on the tenant, lessee, occupier of, or any other person in charge of such house, room, place, or portion, to show cause within seven days of the receipt of the notice why the same should not be attached for improper



user thereof; and if, after hearing the person concerned, the Magistrate is satisfied that the house, room, place, or portion is being used as a brothel or for carrying on prostitution, then the Magistrate may pass orders-

(a) directing eviction of the occupier within seven days of the passing of the order from the house, room, place, or portion;

(b) directing that before letting it out during the period of one year or in a case where a child or minor has been found in such a house, room, place or portion during a search under Section 15, during the period of three years, immediately after the passing of the order, the owner, lessor or landlord or the agent of the owner, lessor or landlord shall obtain the previous approval of the Magistrate:

Provided that, if the Magistrate finds that the owner, lessor or landlord as well as the agent of the owner, lessor or landlord, was innocent of the improper user of the house, room, place or portion, he may cause the same to be restored to the owner, lessor or landlord, or the agent of the owner, lessor or landlord, with a direction that the house, room, place or portion shall not be leased out, or otherwise given possession of, to or for the benefit of the person who was allowing the improper user therein.

(2) A Court convicting a person of any offence under section 3 or section 7 may pass orders under sub-section (1), without further notice to such person to show cause as required in that sub-section.

(3) Orders passed by the Magistrate or Court under sub-section (1) or sub-section (2) shall not be subject to appeal and shall not be stayed or set aside by the order of any court, civil



or criminal, and the said orders shall cease to have validity after the expiry of one year or three years, as the case may be:

Provided that where a conviction under section 3 or section 7 is set aside on appeal on the ground that such house, room, place or any portion thereof is not being run or used as a brothel or is not being used by prostitutes for carrying on their trade, any order passed by the trial court under sub-section (1) shall also be set aside.

(4) Notwithstanding anything contained in any other law for the time being in force, when a Magistrate passes an order under sub-section (1), or a court passes an order under sub-section (2), any lease or agreement under which the house, room, place or portion is occupied at the time shall become void and inoperative.

(5) When an owner, lessor or landlord, or the agent of such owner, lessor or landlord fails to comply with a direction given under clause (b) of sub-section (1) he shall be punishable with fine which may extend to five hundred rupees or when he fails to comply with a direction under the proviso to that sub-section, he shall be deemed to have committed an offence under clause (b) of sub-section (2) of section 3 or clause (c) of sub-section (2) of section 7, as the case may be, and punished accordingly.”

10. Bare reading of the provision shows a notice is required calling for show cause within seven days and to the land lord / lessor or agent of the owner why the premises should not be attached for improper use. Further, after hearing the person concerned, on recording the satisfaction, the Magistrate



can order for sealing of such premises. But, it is apparent from record that nothing of the sort has been done. No notice was issued and no hearing was given to the land lord. There is no satisfaction of the Magistrate for sealing the premises on record. Therefore, the sealing of the premises belonging to the husband of the petitioner is completely illegal and hence, the order dated 12.06.2025, contained in Letter No. 1943, issued by the Sub-Divisional Magistrate, Muzaffarpur (East), by which the sealing has been ordered, is set aside.

11. The State respondents are directed to unseal the premises on receipt / production of copy of this order within a week.

12. Accordingly, the writ petition stands allowed.

(Arun Kumar Jha, J)

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