



W.P(CrI)MD.No.1691 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(CrI)MD.No.1691 of 2025

A.Z.Mohamed Haroon ... Petitioner/Petitioner

Vs.

1.The District Collector,
O/o.District Collectorate,
Theni,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District. ... Respondents/Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to O.P.No.01 of 2023 on the file of the learned Principal District Judge, Theni District by order dated 19.02.2025 which confirmed the impugned order of the first respondent in ROC



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No.42008/2022/C2 dated 12.10.2022 and to set aside the same as illegal and consequently direct the respondent to de-seal the petitioner property situated at Door No.18F, Ward 13, Cumbum Mettu Road, Cumbum, Theni District.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Ghandhi Raj
Special Government Pleader

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Writ Petition is directed as against the order passed in O.P.No.01 of 2023, on the file of the learned Principal District Judge, Theni District, dated 19.02.2025, thereby dismissing the petition and confirming the order passed by the first respondent dated 12.10.2022, thereby sealing the premises owned by the petitioner situated at Door No.18F, Ward 13, Cumbum Mettu Road, Cumbum, Theni District.

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2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The petitioner owns the commercial property situated at Door No.18F, Ward 13, Cumbum Mettu Road, Cumbum, Theni District. It was rented out to a social service organization by name M/s.Popular Front of India, for office purposes from September 2021 to July 2022. After completion of the lease period, the organization vacated the premises and handed over the vacant possession on 31.07.2022. Thereafter, on 01.09.2022, the petitioner entered into another rental agreement with one Harunn Musthafa for his Crane Martial Arts Academy's office.

4.While being so, the erstwhile tenant, M/s.Popular Front of India, was declared unlawful and a ban was imposed on the society for the period of five years. In pursuance of this declaration, the first respondent on 12.10.2022, sealed the premises owned by the



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petitioner, asserting that the banned organization had tenancy rights over the premises. The premises were sealed and an inventory report was prepared. All the articles listed in the inventory report are inside the premises and belong to the second tenant ie., Crane Martial Arts Academy's Office. The premises have been kept idle and unused. As a result, the new tenant is unable to run its office and has also not been paying any rent to the petitioner. Therefore the notice dated 12.10.2022 was challenged before the Principal District Court, Theni in O.P.No.01 of 2023 under Section 8(8) of the Unlawful Activities (Prevention) Act, 1967 (in short hereinafter referred to as 'the Act, 1967'). However without considering the above facts and circumstances, the District Court dismissed the petition. Aggrieved by the same, the present writ petition.

5.On perusal of the records, it is revealed that the subject premises are admittedly owned by the petitioner and the banned organization was the erstwhile tenant under the petitioner. The



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premises were locked and sealed without any prior notice to either the tenant or the petitioner.

6.That apart, the banned organization was the tenant under the petitioner for a period of one year. After vacating, they handed over the vacant possession of the office to the petitioner. Even then, the respondent sealed the petitioner 's office under Section 8 of the Act, 1967.

7.Now the point for consideration is whether the first respondent has power and jurisdiction to seal the premises owned by the petitioner.

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



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“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 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



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



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(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.”

Thus, it is clear that the first respondent has no power to seal the premises as was done in the present case.



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9. That apart, even according to the respondents, neither the petitioner nor the new tenant is an accused. The petitioner's erstwhile tenant, M/s. Popular Front of India, is an accused in this case. Therefore, the property, in which the banned organization had an office, has nothing to do with any crime committed by the tenant. Further, the said organization vacated the premises and handed over the vacant possession to the owner of the premises, namely the petitioner herein. Subsequently the petitioner rented out the building to the new tenant. Therefore, the first respondent ought not to have sealed the premises owned by the petitioner and it is liable to be set aside.

10. In view of the above, the order passed in O.P.No.01 of 2023, on the file of the learned Principal District Judge, Theni District, dated 19.02.2025 and the order passed by the first respondent in R.O.C.No.42008/2022/C2, dated 12.10.2022, are set aside. The first respondent is directed to de-seal the premises at Door



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No.18F, Ward 13, Cumbum Mettu Road, Cumbum, Theni District,
forthwith and the petitioner is at liberty to deal with the premises in
accordance with law.

11. Accordingly, this Writ Petition is allowed. No costs.

[G.K.I.J.] & [R.P.J.,]
29.01.2026

NCC :Yes/No
Index :Yes/No
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