



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.12221 of 2016

WEB COPY

THENI PENNIQUIC RECREATION CLUB,
REP. BY ITS SECRETARY N.CHINNAMAYAN,
A REGISTERED SOCIETY,
REGISTERED NO.178/14,
SURVEY NO.854/3C,
MARAVAPATTI ROAD,
MANIYAKARANPATTI POST,
AUNDIPATTI TALUK, THENI DIST.

... Petitioner

-vs-

1. The District Collector,
Theni District.

2. The Superintendent of Police,
Theni District.

3. The Inspector of Police,
Aundipatti Police Station,
Theni.

... Respondents

**(Cause title in respect of R3 amended vide order
dated 20.07.2016)**

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, forbearing the 3rd Respondent herein from interfering with the day today activities of the petitioner's association, New Survey No.854/3C, Maravapatti Road, Maniyakaranpatti Post, Aundipatti Taluk, Theni District without following the due process of law.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, forbearing the 3rd Respondent herein from interfering with the day today activities of the petitioner's association, New Survey No.854/3C, Maravapatti Road, Maniyakaranpatti Post, Aundipatti Taluk, Theni District without following the due process of law.



3. The 3rd respondent has filed a counter, wherein it is stated that they made an enquiry with Saravanan, S/o.Mokkasamy / the owner of the land in S.No.854/3C, Maravapatti Road, Maniyakaranpatti Post, Aundipatti Taluk, Theni District, in which the petitioner Club was run, who has stated that he leased out the property to the petitioner for the period of one year for running the club in the name and style of R.S.Recreation Club and on expiry of the lease period, it was not extended by the petitioner, thereby the said land was not given to anybody for rental or lease.

4. To reciprocate the above submission, learned counsel for the petitioner has produced the affidavit of the landlord, namely, M.Saravanan, S/o.Mokkasamy dated 08.08.2016, in which he has stated that he is the absolute owner of the building in S.No.854/3C, Maravapatti Road, Maniyakaranpatti Post, Aundipatti Taluk, Theni District; that he has leased out the said property in favour of the petitioner Recreation Club; that the petitioner Recreation Club is being run in the property in a peaceful manner by following all the rules and regulations and that the 3rd respondent obtained the statement from him under coercion and force to the effect that the land was not leased out or rented to anybody .

5. In view of the clear volition and admission by the owner of the land with regard to the possession of the land by the petitioner club on rental basis, the apprehension of the 3rd respondent in respect of the club being run illegally without any lease or rental agreement has no basis. Therefore, recording the affidavit of the landlord and in view of the above stated position, this Writ Petition is closed. No costs.

Sd/

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The District Collector,Theni District.
2. The Superintendent of Police,Theni District.
3. The Inspector of Police,
Andipatti Police Station,Theni.

+1cc to Special Government Pleader in SR.No.46535

+1cc to M/S.Subash Babu, Advocate in SR.No.46427

W.P. (MD) No.12221 of 2016

22.08.2016