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W.P.(MD)NO.2280 OF 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**RESERVED ON : 02.08.2024**

**PRONOUNCED ON : 06.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.2280 of 2023**

The Officer's Club,  
Rep. By its Secretary,  
P.M.Ramasamy,  
S/o.Muthusamy,  
Collector Office Compound,  
Karur,  
Karur District.

... Petitioner

Vs.

1. The District Collector,  
Karur,  
Karur District.
2. The District Revenue Officer,  
Karur District,  
Karur.
3. The Revenue Divisional Officer,  
Karur District,  
Karur.
4. The Tahsildar,  
Taluk Office,  
Karur,  
Karur District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 herein to remove the lock and seal of the petitioner's



club namely Officer's Club situated in survey No.305/1 Collector Office Compound, Karur District dated 28.12.2022 based upon the representation dated 09.03.2022 and legal notice dated 17.10.2022 within the stipulated time fixed by this Court.

For Petitioner : Mr.G.Thalaimutharasu,  
for Mr.K.Jeyamohan.

For Respondents : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader.

\* \* \*

### **ORDER**

Heard both sides.

2. The petitioner / club was established in the year 1944. It has been registered under the Tamil Nadu Societies Registration Act,1975 (Registration No.7/1994). Its members are serving and retired staff of the State and Central Government and Public Sector. The petitioner claims that they are engaging in recreational activities. While the petitioner claims that they are paying rent without default, the respondents would allege that the rental arrears are huge. Be that as it may, on 28.12.2021, the petitioner club was locked and sealed. The question is whether the action of the respondents is justified.



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3. It is not the case of the respondents that due process of law was followed. It is well settled that someone who is in settled possession cannot be casually dispossessed. The Hon'ble Supreme Court in the decision reported in **1997 (3) SCC 169 (M/S. Anamallai Club Vs The Government Of Tamil Nadu & Ors)** had held as follows:

“8. Law makes a distinction between persons in juridical possession and rank trespassers. Law respects possession even if there is no valid title to support it. Law does not permit any person to take law into his hands and to dispossess a person in actual possession without having recourse to a court. The object thereby is to encourage compliance of the rule of law and to deprive the person who wanted, a person in lawful possession to have his removed from possession, according to proper form and to prevent them from going with a high band and eject such person. Undoubtedly, the true owner is entitled to retain possession even though he had obtain it by force or by other unlawful means but that would not be a ground to permit the owner to take law into his own hands and eject the person in juridical possession or settled possession without recourse to law.”

4. The law laid down above will govern the respondents also.

When it is beyond dispute that the petitioner club has been functioning



since 1944, it was not open to the respondents to suddenly lock and seal the petition-mentioned premises. Granting liberty to the respondents to follow due process of law, the respondents are directed to remove the lock and seal. This writ petition stands allowed. No costs.

**06.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**To:**

1. The District Collector,  
Karur,  
Karur District.
2. The District Revenue Officer,  
Karur District,  
Karur.
3. The Revenue Divisional Officer,  
Karur District,  
Karur.
4. The Tahsildar,  
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**G.R.SWAMINATHAN,J.**

PMU

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