



W.P(MD)No.17181 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17181 of 2024

and

W.M.P.(MD)No.14820 of 2024

R.Shaji

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Kanniyakumari.

2.The Commissioner,
Kollamcodu Municipality,
Kanniyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to remove the lock and seal of Dr.Hetgevar Sports Yuva Mandal Study center in Survey No.349/2B Situated in Eludesam Village, Killiyur Taluk, Kaniyakumari District by considering the representation of the petitioner dated 13.07.2024.

For Petitioner : Mr.K.Jeyamohan

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



W.P(MD)No.17181 of 2024

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ORDER

Heard both sides.

2. The petition mentioned land measures an extent of one cent. One Velappan had executed a gift deed dated 03.02.2003 for running the study centre (library). In the year 2004, a small building was put up by utilizing the funds of the local MP development fund. For the past 20 years, the petition mentioned centre is being run. The centre is also affiliated to Nehru Yuva Kendra. It is seen that the blood donation campus have also been conducted. When such useful public activities are being conducted, without any prior notice, the municipality had locked and sealed the premises. I have consistently held 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



W.P(MD)No.17181 of 2024

possession, according to proper from 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.”

3. In this view of the matter, I hold that the second respondent acted illegally in locking and sealing the petition mentioned premises. The second respondent is directed to forthwith de-seal the premises.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 30.07.2024

To

1.The District Collector,
Kanniyakumari District,
Kanniyakumari.



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W.P(MD)No.17181 of 2024

G.R.SWAMINATHAN, J.

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2.The Commissioner,
Kollamcodu Municipality,
Kanniyakumari District.

W.P(MD)No.17181 of 2024

29.07.2024