



W.P.(MD)No.28984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.28984 of 2024

and

W.M.P(MD)No.24545 of 2024

Tamil Maanila Congress(Mooppanar),
Rep. by its
Palani Urban Leader,
R.Shanmuganathan

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
Palani Division,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk Office,
Palani,
Dindigul District.

3.The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

4.S.Sundar
5.Muthu Vijayan

...Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to remove the seal in our party office in Ward No.4, Block No. 20, T.S.No. 26 situated at Palani Town, Palani Taluk, Dindigul District.

For Petitioner : Mr.B.Saravanan
Standing Counsel

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader for RR1 & 2
M/s.M.Aasha(Crl.side) for R3

ORDER

This writ petition has been filed for a direction, directing the second respondent to remove the seal in the petitioner's party office situated at Ward No.4, Block No.20, T.S.No.26 situated at Palani Town, Palani Taluk, Dindigul District.

2.The petitioner is the political party and having office at Ward No.4, Block No.20, T.S.No.26 situated at Palani Town, Palani Taluk, Dindigul District. It is functioning in the above said address for more than several years by All India Congress Party during the year 1996. There was a bifurcation between the members of the parties and started a new party in the name of the petitioner and the office premise is running in the name of the petitioner. While



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being so, there is a dispute between the petitioner and the fourth and fifth respondents herein. Therefore, the petitioner had filed a suit in O.S.No.26 of 2016 on the file of the District Munsif Court, Palani seeking for permanent injunction as against the President of the Palani Urban All India Congress party. It was decreed in favour of the petitioner by the judgment and decree dated 01.10.2021. Even then, the fourth and fifth respondent have attempted to trespass into the property. Therefore, the petitioner has lodged a complaint before the third respondent as against the 4th and 5th respondent. The petitioner was issued CSR No.1060 of 2024 on 23.07.2024. However, no FIR has been registered and the said complaint was forwarded to the second respondent. The second respondent without conducting any enquiry and without passing any orders has locked the premises of the petitioner.

3.Though the decree was granted in favour of the petitioner, without considering the same, the second respondent has mechanically closed the premises of the petitioner's office.

4.Admittedly, it is a civil dispute between the petitioner and the fourth and fifth respondent. If any trespass against the decree passed by the civil Court, the third respondent ought to have taken appropriate action on the complaint



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lodge by the petitioner. Immediately, the third respondent without assigning any reason has mechanically referred the complaint before the second respondent and in turn, the second respondent has sealed the premises of the petitioner's office.

5.It is contrary to law and the second respondent ought not to have sealed the premises at any cost, since it is a civil dispute between the petitioner and the fourth and fifth respondent herein. That apart, there is no proceedings initiated from any of the provisions under the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, so far. The second respondent has no authority to seal the premises in the civil dispute pending between the petitioner and respondents 4 and 5.

6.In view of the above, the second respondent is directed to remove the lock and seal of the petitioner's office premises forthwith and hand over the vacant possession to the petitioner. If any offences committed by the petitioner or by the respondents 4 and 5 herein, the third respondent is at liberty to take appropriate action by registering FIR against them.



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7. With the above said directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

04.12.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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