



WEB COPY



1

W.P.(MD)NO.27899 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.27899 of 2023 AND

W.M.P.(MD)Nos.23997 & 23998 of 2023 & 2287 of 2024

The Officer's Club,
Rep. by its Secretary,
P.M.Ramasamy(75/2023)
S/o.Muthusamy,

... 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 District Sports and Youth Welfare Officer,
O/o.the District Sports and Youth Welfare,
Karur District, Karur.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order in Na.Ka.Aa3/6924/2010 dated 12.10.2023 on the file of the first respondent and quash the same.



WEB COPY



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

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

* * *

ORDER

The petitioner questions the impugned proceedings dated 12.10.2023 issued by the District Collector, Karur. By the impugned communication, the petition-mentioned premises has been allowed to be used by the fourth respondent as an indoor stadium.

2. The petitioner club had already filed W.P.(MD)No.2280 of 2023 questioning the action of the authorities in locking and sealing the premises. The said writ petition was allowed by me in the following terms:-

“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.

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 hand and eject such person. Undoubtedly, the true owner is entitled to retain possession even though he had obtained 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.”

3. Without resuming possession in the manner known to law, it was not open the District Collector, Karur to permit usage of the petition-mentioned premises as an indoor stadium by the fourth respondent. In this view of the matter, the impugned communication is set aside. With this liberty to the first respondent to proceed in the manner known to law, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

06.08.2024

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



WEB COPY



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 District Sports and Youth Welfare Officer,
O/o.the District Sports and Youth Welfare,
Karur District, Karur.



WEB COPY



6

W.P.(MD)NO.27899 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.27899 of 2023

06.08.2024