

REV APLW(MD).No.67 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

REV.APLW(MD)No.67 of 2025
in
W.P(MD)No.19842 of 2024

Thangammal

... Review Applicant /
Petitioner

v.

- 1.The Joint Commissioner /
Executive Officer,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.
- 2.The Assistant Commissioner,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.
- 3.The Revenue Divisional Officer,
Palani, Dindigul District.
- 4.The Tahsildar,
Palani Taluk,
Dindigul District.
- 5.The Inspector of Police,
Palani,
Dindigul District.

... Respondents /
Respondents



REV APLW(MD).No.67 of 2025

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PRAYER: Review Application filed under Order XLVII Rule 1 & 2 r/w Section 114 of Civil Procedure Code to review the order passed in W.P(MD)No.19842 of 2024 dated 20.09.2024.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.B.Sargunam

For Respondents : Mr.Sriram
Senior Counsel
for Mr.R.Bharanidharan for R.1

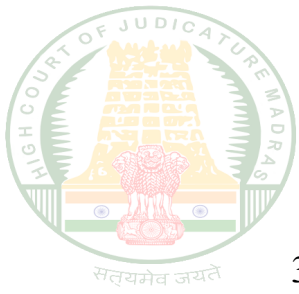
Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2 to R.4

Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.5

ORDER

Heard both sides.

2.The review applicant filed W.P(MD)No.19842 of 2024 to forbear the respondents herein from dispossessing and evicting her from the petition mentioned shop premises. The writ petition was dismissed vide order dated 20.09.2024. Aggrieved by the same, this review application has been filed.



REV APLW(MD).No.67 of 2025

WEB COPY

3.The learned counsel appearing for the review applicant reiterated all the contentions set out in the grounds of review and called upon this Court to set aside the order dated 20.09.2024 and allow the writ petition as prayed for.

4.It is beyond dispute that the petition mentioned shop was run by the review applicant for the last several decades. It came to be sealed on 01.08.2024. The photographs produced by the temple authorities indicate that the sealing was actually done by the jurisdictional Tahsildar.

5.The learned Additional Government Pleader categorically states that the Tahsildar merely carried out the request of the temple authorities. When someone is in settled possession, the said premises cannot be sealed without due process.

6.The Hon'ble Supreme Court of India in the decision reported in ***AIR 2004 SC 4609 (Rame Gowda Vs M.Varadappa Naidu)*** had held as follows :

“9.It is the settled possession or effective possession of a person without title which would entitle him to protect his



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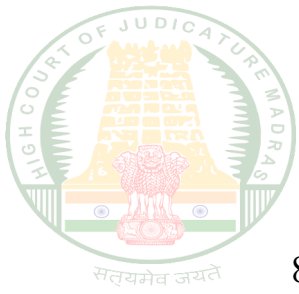


REV APLW(MD).No.67 of 2025

possession even as against the true owner. The concept of settled possession and the right of the possessor to protect his possession against the owner has come to be settled by a catena of decisions. Illustratively, we may refer to Munshi Ram v. Delhi Admn [AIR 1986 SC 702 : (1968) 2 SCR 455 : 1968 Cri LJ 806], Puran Singh v. State of Punjab [(1975) 4 SCC 518 : 1975 SCC (Cri) 608] and Ram Rattan v. State of U.P [(1977) 1 SCC 188 : 1977 SCC (Cri) 85] The authorities need not be multiplied. In Munshi Ram case [AIR 1968 SC 702 : (1968) 2 SCR 455 : 1968 Cri LJ 806] it was held that no one, including the true owner, has a right to dispossess the trespasser by force if the trespasser is in settled possession of the land and in such a case unless he is evicted in the due course of law, he is entitled to defend his possession even against the rightful owner.”

It is not in dispute that the review applicant was in settled possession. Hence, she could not have been dispossessed without due process.

7.The learned senior counsel appearing for the temple emphasized that when commercial activities stand banned in giriveethi, when the review applicant was flouting the said ban, the authorities were left with no other option but to seal the premises. He also questioned the very locus of the review applicant since she has already settled the property in favour of her sons and grandsons.



REV APLW(MD).No.67 of 2025

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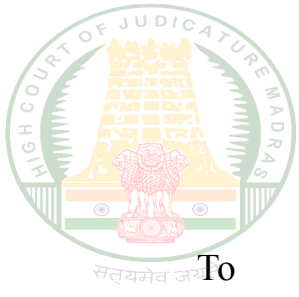
8.As regards the first contention, we have to only remind the respondents that even if an illegality is being committed, it has to be dealt with only in the manner known to law. As regards the *locus standi* of the review applicant, we are of the view that since the property originally stood in her name and since the assessments had been made in her favour, this objection need not be seriously taken note of. We make it clear that the scope of this writ petition is confined only to the legality of the sealing and no other issue is being gone into.

9.The jurisdictional Tahsildar is directed to forthwith de-seal the petition mentioned premises. The order dated 20.09.2024 dismissing the writ petition is set aside and the writ petition is allowed.

10.This Review Application is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
11.08.2025

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
MGA/SKM



REV APLW(MD).No.67 of 2025

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REV APLW(MD).No.67 of 2025

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA/SKM

REV.APLW(MD)No.67 of 2025

in

W.P(MD)No.19543 of 2024

and

W.M.P(MD)No.526 of 2025

11.08.2025