

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KURUNJIPADI**

Present: Selvi. M. Sivamathi, M.L.,
District Munsif cum Judicial Magistrate,
Kurinjipadi.

Tuesday, the 30th day of June 2026

O.S.No.56/2021

TNCD1F000338-2021

Sundar

.....Plaintiff

//Vs//

1) The State of Tamil Nadu

Rep by its District Collector, Cuddalore

2) The Divisional Engineer,

Highways Department,

Cuddalore.

3) Ramalingam

.....Defendants

Date of Institution:- 19.08.2021

Date of Judgment:- 30.06.2026

This suit came up for final hearing before this court in the presence of Advocate Thiru. V.Loganathan for plaintiff and Thiru.Gopalakrishnan Government pleader filed memo of appearance for defendants 1 & 2 and in the presence of Advocate A.Sankar for 3rd defendant and written statement not filed by the defendants and A1 to A3 are set exparte on 05.01.2023 and upon perusal of records and having stood over for consideration till this day, this court delivers the following....

JUDGMENT

The suit is filed for the relief of mandatory injunction directing the respondents to remove the super structure in the suit B schedule property.

1.The case of the plaintiff in brief as follows:

The plaintiff is the owner of the suit A schedule property. The plaintiff is in possession and enjoyment of the same. Plaintiff constructed the house in the A schedule property 15 years ago facing south side. The plaintiff has got access to his house from kurinjipadi to Bhuvanagiri - Chidambaram main road. The property of the plaintiff is located in the north of the main road. The 2nd defendant put up a shed between A schedule property and main road. The plaintiff objected to not to put up any shed. The 3rd defendant stated that he will arrange for the another place and shift the shed to another place in a short time. The 3rd defendant purchased to an extent of 7 cents within a distance of about 200 meters. The 3rd defendant extending the shed since the purchase of the property. The shed put by the 3rd defendant causes obstruction to the free access of the plaintiff over his property. The 3rd defendant is bound to remove the shed put up in the B schedule property. Hence the suit.

2. Plaintiff side evidence:

Plaintiff examined as PW1. Ex.A.1 to Ex.A.5 were marked. Ex.A1, is the copy of the sale deed executed by Dhanapal in favour of plaintiff. Ex.A2, is the online copy of patta. Ex.A3, is the Notice issued by the plaintiff's counsel to defendants 1 and 2. Ex.A4, is the Acknowledgment signed by 2nd defendant. Ex.A5, is the Acknowledgment signed by 3rd defendant.

3. Defendant side evidence and documents:- NIL

4.Points for Determination:

Now the court has to decide the question as to whether plaintiff is entitled for the relief of Mandatory Injunction as against the defendants to remove the shed in the B schedule property.

5.Points for Consideration:

5.1. Plaintiff examined as PW1 and submitted Ex.P.1 to Ex.P.5 to prove his case. This court perused the Ex.A.1, is the copy of the sale deed executed by Dhanapal in favour of plaintiff. Plaintiff purchased the suit A schedule property from one Dhanabal, for the S.No. 167/6B consists

of 0.15 cents. Ex.A2, is the online copy of patta for the A schedule property. Ex.A3, is the Notice issued by the plaintiff's counsel to defendants 1 and 2. Ex.A4, is the Acknowledgment signed by 2nd defendant. Ex.A5, is the Acknowledgment signed by 3rd defendant.

5.2. The suit B schedule property boundaries identified through the plaint is, north – kurinjipadi – bhuvanagiri road, east and west of road margin, south – plaintiffs property. Now this Court has to decide the nature of the B schedule property stated in the plaint. Reading the plaint and on perusal of records available, the suit B schedule property situated adjacent to the suit A schedule property and Kurinjipadi – Bhuvanagiri road. Plaintiff further contented that the 3rd defendant purchased to an extent of 7 cents within a distance of about 200 meters. However, the plaintiff not furnished the details of the B schedule property and the property purchased by the 3rd defendant. The 3rd defendant extending the shed since the purchase of the property. The shed put by the 3rd defendant causes obstruction to the free access of the plaintiff over his property. The plaintiff not filed any documents regarding the B schedule property.

5.3. This court refers, The Specific Relief Act, 1963 “Section 39. Mandatory injunction – When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the Court is capable of enforcing, the Court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts.” In the cases of the mandatory injunction the plaintiff must establish the clear breach of an obligation by the defendant and violation of the rights of the plaintiff by the defendant.

5.4. The Plaintiff who sought for the relief of mandatory injunction must establish the breach of an obligation by the defendant. In civil cases, a fact is said to be established if it is proved by preponderance of probabilities. On careful perusal of the documents submitted by the plaintiff, the plaintiff not proved his legal right in the B schedule property. The plaintiff not filed any document to prove his possession over the B schedule property. From the records submitted by the plaintiff, this court decides that the plaintiff not proved that the defendant has violated his legal right and breach of an any obligation by the defendant. The plaintiff failed to establish breach of an obligation by the defendant and his legal right over the suit B schedule property. This court considers the plaintiff is not entitled for the relief of mandatory injunction as against the defendants. Hence, this suit is dismissed.

In this result, this suit is dismissed. No cost.

Directly typed by me in my laptop and corrected and pronounced by me in the Open court on this 30th day of June 2026.

**District Munsif cum Judicial Magistrate
Kurinjipadi.**

1) Petitioner side evidence:

PW1 – Sundar

2) Petitioner side Exhibits:

Ex.A1	Copy of the sale deed executed by Dhanapal in favour of plaintiff.
Ex.A2	Online copy of chitta
Ex. A3	Notice issued by the plaintiff's counsel to defendants 1 and 2.
Ex.A4	Acknowledgment signed by 2 nd defendant.
Ex.A5	Acknowledgment signed by 3 rd defendant.

Defendant side evidence and documents : NIL

**District Munsif cum Judicial Magistrate
Kurinjipadi.**

