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In the Court of District Munsif - cum - Judicial Magistrate No.1, Hosur

Present: Thiru. V.Agavithan., B.A., B.L.,(HONS).,M.C.L.,

District Munsif, Hosur.

Friday, the 29th day of November 2024

CNR No. TNKI06 0050042023

O.S. No. 214/2023

1. Muniamma
2. Sakkamma
3. Chikka Muniamma
4. Seethamma
5. Lakshamma
6. Basuvaraj
7. Kullamma
8. Nagarathinamma
9. Ashwathamma
10. Gowramma
11. Shantha
12. Ravi
13. Venkatalakshmi
14. Thimmakka
15. Prema
16. Jayamma
17. Gowramma
18. Venkattamma
19. Annaiah
20. Gopal
21. Annaiah
22. Munirathinamma
23. Raja
24. Ravi

....Plaintiffs

-/Versus/-

1. The Commissioner of Land Administration, Ezhilagam, Chennai.
2. The Commissioner (South), The Land Administration and Welfare of Commissionerate, Chepauk, Chennai.
3. District Collector, Krishnagiri.

O.S.No.214/2023

O.S.No.214-2023

Dated : 29.11.2024



4. The District Revenue Officer, Krishnagiri
 5. The Sub-Collector, Hosur
 6. The Tashildar, Hosur,
 7. The Village Administrative Officer, Kothakondapalli
-Defendants

This suit is coming on 29 11.2024 before me for final hearing in the presence of Thiru. T.Vedi, Thiru S.Saravanan. Thiru P.Ajith and Thiru S. Sivasankar, learned counsels for the plaintiffs and the defendants remained ex parte, upon hearing arguments of the plaintiffs and having stood for consideration till date this Court delivered the following:

J U D G M E N T

1) The suit is for seeking the reliefs of permanent injunction, mandatory injunction, cost and such other relief this Court deems fit.

2) CRUX OF THE PLAINT :

2 (1) The suit property is a Government promboke land. Mr.Kasigan @ Kasiappa, who is the father of the 1st to 5th plaintiffs herein and, the grandfather of the 6th to 22nd plaintiffs herein came in possession of the suit property about '90' years prior to the filing of this suit. He took steps for obtaining patta for the suit



property in his favour. Thus, on 16.03.1971, the Sub Collector, Hosur has classified the suit property as 'போடுகால் புறம்போக்கு', which was originally classified as 'தோப்பு புறம்போக்கு' and, has also recommended for issuance of patta for the suit property in favour of Mr.Kasigan @ Kasiappa. Subsequently, the District Collector, Dharmapuri through his proceedings ROC.No.31226/71 (BS) Dated 19.06.1972, as ordered for issuance of patta for the suit property in favour of Mr.Kasigan @ Kasiappa. Thereafter, he also executed Registered Will Deed dated 26.09.1988 bearing document No.67/1988 in favour of his children. On 05.12.1994, Mr. Kasigan @ Kasiappa died. The plaintiffs herein are the legal heirs of Late Kasigan @ Kasiappa. When the plaintiffs perused the revenue records for the suit property, they came to know that the suit property has been wrongly classified as "போடுகால்". For which, they filed petition before the Tashildar, Hosur. They also filed W.P.No.6134/2023. In the above case, the Tashildar, Hosur, has admitted that the suit property was in possession and enjoyment of Late. Kasigan @ Kasiappa. But, he denied to issue patta for the suit property in favour of the plaintiffs by virtue of proceedings in ப.மு.எண்.3619/2023/ஆர்-1. Afterwhich, the 6th and 7th defendants are attempting to disposes the plaintiffs from the suit property. Hence, this suit.

3) The defendants remained ex parte.



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4) To prove the case of the plaintiffs, the 2nd plaintiff herself namely Mrs Sakkamma was examined as PW1 and exhibited as many as '12' documents. One Mr.Krishnappa was examined as P.W.2

5) POINTS FOR CONSIDERATION:

Whether the plaintiffs are entitled to the reliefs as sought for?

6) DECISION:

6 (1) The case of the plaintiffs, as set out in the plaint is that the suit property is a promboke land. The father of the 1st to 5th plaintiffs herein and the grandfather of the 6th to 22nd plaintiffs herein namely Late Kasigan @ Kasiappa came in possession and enjoyment of the suit property about '90' years prior to the filing of this suit. Therefore, he made representations for issuance of patta with regard to the suit property in his favour. The Sub Collector, Hosur by virtue of Ex.A.8 - Proceedings in L.Dis.27146/71 dated 16.03.1971 has recommended for issuance of patta with regard to the suit property in favour of Late Kasigan @ Kasiappa. After which, the District Collector, Dharmapuri by virtue of Ex.A.10 Proceedings in Roc.No.31226/71 (BS) dated 19.06.1972, has ordered for issuance of patta in favour of Late. Kasigan @ Kasiappa. Subsequently, Late Kasigan @ Kasiappa executed Ex.A.1 Registered Will Deed dated 26.09.1988 bearing document No.67/1988 of S.R.O. Hosur. After



his demise, the plaintiffs succeeded the suit property as his legal heirs. But, upon perusal of the revenue records they came to know that till date the suit property has been wrongly classified as 'பேரடுகால்'. Therefore, they filed a petition before the Tashildar, Hosur Since, no action was taken, they filed W.P.No.6134/2023. The Hon'ble High Court of Judicature at Madras, by virtue of Ex.A.6 Order dated 02.03.2023 has directed the Tashildar, Hosur to consider the representations of the plaintiffs and pass Orders within '6' weeks. The Tashildar, Hosur by virtue of Ex.A.7 Proceedings in ப.மு.எண்.3619/2023/ஆர்-1, dated 04.11.2023, has dismissed the representations of the plaintiffs. The defendants are attempting to unlawfully disposes the plaintiffs from the suit property.

6 (2) In order to establish the case of the plaintiffs, the 2nd plaintiff herself namely Mrs.Sakkamma was examined as PW1 and one Mr.Krishnappa was examined as PW2, and a perusal of the evidence adduced by the PW1 and PW2 reveals that they have reiterated the averments set out in the plaint. The plaintiffs have also produced Ex.A.1 - Registered Will Deed dated 26.09.1988 bearing document No.67/1988, S.R.O. Hosur, Ex.A.2 Death Certificate of Mr.Kasikhan, Ex.A.3 Death Certificate of Mrs.Kenjamma, Ex.A.4 - Death Certificate of Mrs. Kempamma, Ex.A.5 Death Certificate of Mrs.Chikka Maramma, Ex.A.6 – The Hon'ble Madras High Court Order in Maramma, Ex.A.6 W.P.No.6156/2023, dated 02.03.2023, Ex.A7



Proceedings of the Sub-Collector of Hosur Order No.u.p.66 3619/2023/21 dated 04.11.2023, Ex.A.8 - Letter dated 16.03.1971, Ex.A.9 Letter to the Revenue Officer, Hosur dated 27.11.2023, Ex.A.10 -Proceedings of the District Collector, Dharmapuri dated 19.06.1972, Ex.A.11 - Encumbrance Certificate and Ex.A.12 Aadhar cards of the plaintiffs, for the inspection of this Court.

6 (3) Be that as it may, the case of the plaintiffs and the evidence of PW1 and PW2 has not been rebutted and refuted by the defendants. Further, in the instance case, this Court does not find any materials to discredit and discard the case of the plaintiffs, which has been well supported by the evidence of PW1, PW2, Ex.A.1 - Registered Will Deed dated 26.09.1988 bearing document No.67/1988, S.R.O. Hosur, Ex.A.2 Death Certificate of Mr.Kasikhan, Ex.A.3 Death Certificate of Mrs.Kenjamma, Ex.A.4-Death Certificate of Mrs. Kempamma, Ex.A.5 Death Certificate of Mrs.Chikka Maramma, Ex.A.6– The Hon'ble Madras High Court Order in Maramma, Ex.A.6 W.P.No.6156/2023, dated 02.03.2023, Ex.A7 Proceedings of the Sub-Collector of Hosur Order No.u.p.66 3619/2023/21 dated 04.11.2023, Ex.A.8 - Letter dated 16.03.1971, Ex.A.9-Letter to the Revenue Officer, Hosur dated 27.11.2023, Ex.A.10 – Proceedings of the District Collector, Dharmapuri dated 19.06.1972,



Ex.A.11 'A' Register dated 23.04.2024. Accordingly, this Court is of the considered view that the plaintiffs are entitled for the relief's as prayed for

7) Result:

In result, this suit is decreed ex parte without cost as follows;

- i) the defendants are restrained by a decree of permanent injunction from interfering with the plaintiffs' possession and enjoyment over the suit property,
- ii) the 6th defendant is directed by a decree of mandatory injunction to issue patta with regard to the suit property in favour of the plaintiffs, provided the plaintiffs satisfy and comply with other requirements contemplated in Law and Procedure; and
- iv) both parties shall bear their own costs. Preparing the decree accordingly.

Dictated by me to the typist, directly typed by her in computer, corrected and pronounced by me in open court, this the 29th day of November 2024.

(Sd/-V.Agavithan)

District Munsif-cum- Judicial
Magistrate No.1, Hosur.

Plaintiffs side Witness:

1. PW1 Sakkamma
2. PW2 Krishnappa

Plaintiffs side Exhibits:

1. Ex.A.1 Registered Will Deed dated 26.09.1988 bearing document No.67/1988, S.R.O. Hosur (Xerox copy)



2. Ex.A.2 - Death Certificate of Mr.Kasikhan (Xerox copy)
3. Ex.A.3 - Death Certificate of Mrs. Kenjamma (Xerox copy)
4. Ex.A.4-Death Certificate of Mrs. Kempamma (Xerox copy)
5. Ex.A.5Death Certificate of Mrs. Chikka Maramma (Xerox copy)
6. Ex.A.6 The Hon'ble Madras High Court Order in W.P.No.6156/2023, dated 02.03.2023 (Xerox copy)
7. Ex.A.7 Proceedings of the Sub-Collector of Hosur Order No... 3619/2023/1, dated 04.11.2023 (Xerox copy)
8. Ex.A.8-Letter dated 16.03.1971 (Xerox copy)
9. Ex.A.9 Letter to the Revenue Officer, Hosur dated 27.11.2023 (Xerox copy)
10. Ex.A.10 - Proceedings of the District Collector, Dharmapuri dated 19.06.1972 (Xerox copy)
11. Ex.A.11-Encumbrance Certificate (Computer copy)
12. Ex.A.12 - Aadhar cards of the plaintiffs (Xerox copy)

Defendants side Witnesses & Exhibits: Nil

(Sd/-V.Agavithan)
District Munsif-cum- Judicial
Magistrate No.1, Hosur.

