

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF AT VALLIYOOR

PRESENT: Tmt. A. ANNA LAKSHMI M.L.,
PRINCIPAL DISTRICT MUNSIF
VALLIYOOR.

Wednesday, the 05th day of August 2026

O.S.No.45/2020

(CNR No.TNTL-08-000063-2020)

1. T. Poomani

2. T. Manikand Pirabhu

3. T. Arasi

. . . Plaintiffs

/Vs/

1. S. Madhi

2. T. Uma

3. M. Kani

4. S. Laxmi

5. A. Vasanthi

6. I. Janaki

7. P. Saraswathi

. . . Defendants

This suit coming up before me for final hearing on 07.07.2026 in the presence of Thiru.K.Venkatesan M.A., M.L., learned counsel for the Plaintiffs, Thiru.G. Gnana Samudra Manohar M.A., L.L.B., learned counsel for the defendants and this Court upon perusal and consideration of oral arguments and the case records and having stood over-under consideration till this date, this Court delivered the following

J U D G M E N T

This is the suit for a) Permanent injunction against the defendants and their henchmen and agents etc. from interfering with plaintiffs peaceful possession and enjoyment of suit schedule property by any manner.

b) costs and other reliefs

1. Brief averments of the plaint:

The suit schedule properties belongs to plaintiffs through both the settlement deeds dated 31.01.2007 and 30.09.2010. Therein one among settlement deed dated 31.01.2007 vide document number 261/2007 executed in favour of the 1st and 2nd plaintiffs and another settlement deed dated 30.09.2010 vide document number 4710/2010 executed in favour of the 3rd plaintiff. Since then suit schedule properties has been under the peaceful possession and enjoyment of the plaintiffs.

The dilapidated well is located southeast of the suit schedule properties. The plaintiffs are farmers. They are raising livestock in one part of the suit schedule properties and another part of the dilapidated well is being used as a hay barn. The defendants attempted to pile up rubbish heaps (dilapidated well) in the South Eastern part of the suit schedule properties, which was restrained by the plaintiffs with the help of their relatives. On 09.04.2019, the 1st defendant attempted to pile up rubbish heaps in the South – East of the suit schedule properties (dilapidated well), so the plaintiffs lodged a complaint before Panagudi Police station through Thangaraj he is

husband of 1st plaintiff, and father of 2, 3rd plaintiffs. The police investigated the matter and warned the 1st defendant. In this context, the Government of Tamil Nadu announced lock down to control corona virus in March 2020. So, the defendants tried to dump the garbage into the dilapidated well area. The plaintiffs asked the defendants to drop the illegal act. But the defendants denied it. So, the plaintiffs built a wall on the south side of the suit schedule properties to prevent the defendants from acting illegally. However, the 2nd defendant tried to accumulate rubbish in the suit schedule properties (dilapidated well). On 29.06.2020 the plaintiffs therefore lodged a complaint against the 2nd defendant before Panagudi Police through aforesaid Thangaraj. The Panagudi Police inquired about this and warned the 2nd defendant. Even though the 2nd defendant and the other defendants are trying to accumulate rubbish in the suit schedule properties contrary to the law. So, plaintiffs has filed the suit for Permanent injunction.

2. Brief facts of written statement filed by the Defendants:

The plaint is in no way connected with the suit. As averred, the plaintiffs schedule property situated in Survey no.1779/3F and 1779/3F2 whereas the defendants property situate in S.F.No.1778 and furthermore the alleged well situate within S.F.No.1778 with subdivision 2A9 of the defendants. The defendants predecessors- in – title containing 14 families derive title, ownership, possession enjoyment of 2 cents land and the well within ever since through a valid sale deed

no.871/31 executed by on Muthaiya Nadar registered at Panagudi Sub registry on 29.05.1931. During the course of time, the predecessors passes away and the successors derived title, ownership, possession and enjoyment of the well and 2 cents land with previous joint patta number 5510 dated 27.11.1984 containing then 34 families both issued by Tahsildar, Radhapuram. The suit well has never ever been used by the plaintiffs as a hay barn. It is only a fraud claim since the well is the defendant's property situate in their S.F.No.1778/2A9.

The well had been in existence under the title, possession, enjoyment of the defendants predecessor, dating back year 1931. The defendant's families also live in the vicinity as a single community within the S.F.No.1778. The purpose of the well is for Hindus religious cleansing of the dead body of the defendant's family members for conducting neer malai ritual (நீர் மாலை சடங்கு) to fulfill the crucial last rite of the defendants family members whoever passed away. As much though old, the well is being regularly maintained by the defendants family members. The plaintiffs have no right to address anything regarding the well which does not belong to them at all. The plaintiffs have not been in ownership, possession and enjoyment of the well at any time. Any allegation regarding the well is only a malicious intention to grab the well illegally and to annex to their property. The plaintiffs are using this Hon'ble Court mala fide to justify their evil act of their proposed encroachment of the well along with an area of 2 cents land around.

The plaintiffs do not have a prima facie case. The plaintiffs did not come with clean hands before this Hon'ble Court. Therefore, the plaintiffs do not deserve to obtain any relief from this Hon'ble Court. Moreover, the alleged relief is being sought against the 1st and 2nd defendants only and as such the 3 to 7 defendants are not necessary parties to the suit which is a major flaw to the suit. Hence the suit is to be dismissed.

3. Issues

On perusal of Pleadings the following issues are framed for trial

1. Whether the plaintiffs are in lawful possession over suit properties ?
 2. Whether the plaintiff's are entitled for the relief of permanent injunction as prayed for ?
 3. To what relief the plaintiff's are entitled for ?
4. On the side of Plaintiff one witness has been examined, Ex.A1 to Ex.A5 were marked and on the side of Defendants three witness has been examined and Ex.B1 to Ex.B3, Ex.X1 to Ex.X6 and Ex.C1 were marked.

Issues Nos.1 and 2:-

5. The suit has been filed by the Plaintiffs against the Defendants praying for the relief of Permanent Injunction in respect of the suit property. On the side of the

Plaintiffs, the husband of Plaintiff No.1 was examined as PW1 and documents marked as Ex.A1 to Ex.A4. Further, during the cross-examination of DW3 the document marked as Ex.A5. On the side of the Defendants, Defendant No. 1 was examined as DW1, and documents marked as Ex.B1 to Ex.B3. The Tahsildar, Radhapuram, was examined as DW2, through whom documents marked as Ex.X1 to Ex.X3. During the cross-examination of DW2, the document marked as Ex.X6 was admitted on record. Balakrishnan, Secretary of the Kavalkinaru Panchayat, was examined as DW3, during his cross-examination by the Plaintiffs, documents Ex.A5 and Ex.C1 were marked.

6. According to the case of the Plaintiffs, the suit property belongs to the Plaintiffs by title flowing through documents Ex.A1 and Ex.A2. Upon perusal of Ex.A1, it is observed that Item No.1 of the suit property was settled in favour of Plaintiff No.1 (Poomani) and Plaintiff No. 2 (Manikandaprapu) by one Thangaraja vide Settlement Deed dated 31.07.2007. Upon perusal of Ex.A2, it is observed that Item No.2 of the suit property was settled in favor of Plaintiff No.3 by the said Thangaraja vide Settlement Deed dated 30.11.2010.

7. Upon perusal of Ex.A3 and Ex.A4, it is observed that Thangaraja, husband of Plaintiff No.1, lodged a complaint at Panagudi Police Station against the Defendants. In Ex.A3, the complainant alleged that the respondent unloaded stones near the

petitioner's house and dumped waste within the petitioner's premises. As per the case put forth by the Plaintiffs, this Court considers that the present suit has been instituted pursuant to the dispute arising out of the Defendants dumping waste in the property belonging to the Plaintiffs.

8. Thangaraja, the husband of Plaintiff No.1, was examined as PW1. The said PW1 executed documents Ex.A1 and Ex.A2 in favor of the Plaintiffs. During cross-examination PW1 deposed that "சர்வே எண் 1779 ல் கிணறு இல்லவும் இல்லை இருக்கவும் இல்லை என்றால் கிணறு தூர்ந்து உள்ளது". During cross-examination of DW3 photographs were marked as Ex.A5. From the photographs in Ex.A5, it is observed that a well is located in the east of Pudur village, and in Ex.C1, a well is shown at Pudur West Alagiyapuram Village. The wells shown in Ex.C1 and Ex.A5 are distinct and separate entities, separated by a distance of approximately 400 meters. Thus, this Court finds that the wells depicted in Ex.C1 and Ex.A5 are two different wells.

9. Further, DW3 during cross-examination admitted that "காவல்கிணறு பஞ்சாயத்தில் உள்ள குக்கிராமம் தான் அழகியநம்பிபுரம் மற்றும் புதூர் என்றால் சரி தான். இந்துக்கள் இறந்து விட்டால் நீர்மாலை எடுக்கும் கிணறு என்பது புதூரில் உள்ளது. அது லெப்பை குடியிருப்புக்கு செல்லும் வழியில் ரோட்டுக்கு மேல்புறம்

முத்தாரம்மன் கோவிலுக்கு தென்புறம் உள்ளது என்றால் சரி தான், அந்த கிணறு தான் சாட்சியிடம் காண்பிக்கப்படும் புகைப்படத்தில் உள்ள கிணறு என்று ஒப்புக் கொள்கிறார்". The well used by Hindus for performing "Neermaalai (funeral) rituals upon death is located in Pudur, and the said well is Ex.A-5". D.W.3 further deposed during cross-examination that "தாவா சொத்தில் உள்ள கிணறு ஆனது வாதி வீட்டுக்கு தென் புறமாக அமைந்துள்ளது என்றால் ஒரு தரிசு நிலமாகும். அது முடுக்காக பயன்படுத்தி வருகிறார்கள். அதற்கு அடுத்து தான் தென்புறம் கிணறு உள்ளது. அந்த முடுக்கை ஒட்டி வடபுறம்தான் தங்கராஜ் மற்றும் வாதி பூமணி வீடு உள்ளது என்றால் சரி தான். ஆவணத்தின் அடிப்படையில் அந்த கிணறு யார் பெயரில் உள்ளது என்று சொல்ல முடியுமா என்றால் அந்த ஆவணங்களை பார்த்துள்ளேன். அந்த ஆவணம் தற்போது என் கைவசம் இல்லை. கிணறு ஆனது பஞ்சாயத்து கிணறு அல்ல. அது தனியாருக்கு சொந்தமானது ஆகும்."

10. Therefore, this Court finds that Ex.A5 pertains to the 'Neermaalai' well located in Pudur, that there exists a distance of 400 meters between the said well and the well in Ex.C1, and that both are separate wells. Furthermore, the well mentioned in Ex.C1 is located at Alagiyanambiyapuram, Pudur West. The well in Ex.C1 belongs to a private individual and not to the Panchayat.

11. During cross-examination PW1 deposed that "பிரதிவாதிகள் வசித்து வரும் குடியிருப்பு பகுதியின் சர்வே எண்.1778 ன் வரைபடத்தில் கிணற்றுப்பகுதி என

காட்டப்பட்டுள்ளது. அது சர்வே எண்.1778/2 ஏ 9 என உட்பிரிவாகி உள்ளது என்றால் அப்படியெல்லாம் இல்லை". When it was suggested by the Defendants that the Plaintiffs were encroaching upon the well historically used by the Defendants for 'Neermaalai' rituals, this Court finds that the Defendants failed to substantiate the same through requisite oral and documentary evidence.

12. This Court observes that documents marked Ex.B1 to Ex.B3 and Ex.X3 to Ex.X5 produced by the Defendants and his witness pertain to survey numbers other than the suit survey number. Document Ex.X2 produced through DW2 is the 'A' Register pertaining to Survey No. 1778. This Court finds that the Defendants failed to establish through proper oral and documentary evidence that the suit property falls within Survey No. 1778 belonging to them as alleged.

13. During cross-examination, DW1 deposed that "எங்கள் இடம் சர்வே சர்வே எண். 1779/3 எப்க்கு தென் புறம் உள்ளது. நான் குறிப்பிடும் பி.வா.சா.ஆ.1 ஆவணத்தில் வழக்கு சொத்து புதூர் உள்ளது என்று குறிப்பிடப்பட்டுள்ளது என்றால் சரி தான். நீங்கள் தாக்கல் செய்திருக்கும் பி.வா.சா.ஆ.3 வரைபடத்தில் சர்வே எண். 1778 என்பது அழகிய நம்பி புரம் என்று குறிப்பிடப்பட்டுள்ளது என்றால் சரி தான். காவல்கிணறு ஊருக்கு அருகில் கீழ்புறத்தில் புதூர் உள்ளது. நான் குறிப்பிடும் அழகிய நம்பி புரம்

என்பது புதுாருக்கு மேற்காக உள்ளது. நீங்கள் புதுாரில் உள்ள பி.வா.சா.ஆ.1

ஆவணத்தை வைத்துக் கொண்டு அழகிய நம்பிபுரத்தில் உள்ள சொத்தின் மீது

உரிமை கோர இயலாது என்றால் சரியல்ல. புல எண். 1779/3 எப்2 சம்மந்தமாக

தீர்ப்பாவதில் எனக்கு எந்த ஆட்சேபணையும் இல்லை". He further deposed that he

has no objection to a decree being passed in respect of Survey No. 1779/3 F2.

14. This Court finds that no cogent oral or documentary evidence was adduced by the Defendants to disprove the lawful possession and enjoyment of the suit property by the Plaintiffs. All documents filed by the Defendants pertain to Survey No. 1778, which has no bearing on the suit property. This Court holds that the Defendants failed to establish through proper evidence that the suit property is situated within the survey number claimed by them.

15. This Court considers that the oral and documentary evidence adduced on the side of the Plaintiffs establishes that the Plaintiffs are in lawful possession and enjoyment of the suit property. Consequently, this Court finds it fit to grant the decree of permanent Injunction restraining the defendants or their agents from interfering in any manner with the peaceful possession and enjoyment of the suit property by the plaintiffs, and decides accordingly.

Issue No. 3:-

16. In view of the pleadings of the parties and the findings arrived at on Issues No. 1 and 2, Issue No. 3 is decided accordingly. Considering the facts and circumstances of the case, the parties shall bear their respective costs. The parties are not entitled to any other or further reliefs.

17. In the result, the suit is decreed. A decree of Permanent Injunction is hereby passed restraining the Defendants, their men, or agents from in any manner disturbing or interfering with the Plaintiff's peaceful possession and enjoyment of the suit property. No order as to costs.

This Judgment was dictated directly to the Steno-Typist, typed on the computer by her, corrected, and pronounced by me in open Court on this 05th day of August 2026.

Principal District Munsif,
Valliyoor.

Witnesses on the side of Plaintiffs:

1. PW1 - Thiru. Thangaraja

Exhibits on the side of Plaintiffs:

Exhibits	Dated	Documents	Type
Ex.A1	31.01.2007	Settlement deed	Online download certified copy

Ex.A2	30.11.2010	Settlement deed	Online download certified copy
Ex.A3	09.04.2019	Complaint copy	Original
Ex.A4	29.06.2020	Complaint copy	Original
Ex.A5	-	Photos and CD (Nos.5)	Original

Witnesses on the side of Defendants:

1. DW1 - Tmt. Mathi
2. DW2 - Thiru. Sankar
3. DW3 - Thiru. Balakrishnan

Exhibits on the side of defendants:

Exhibits	Dated	Documents	Type
Ex.B1	29.05.1931	Sale deed	Original
Ex.B2	22.08.2023	Patta no.2426	Online download copy
Ex.B3	-	FMB Sketch	True copy

Exhibits on the side of defendants:

Exhibits	Dated	Documents	Type
Ex.X1	13.03.2025	Authorization Letter	True copy
Ex.X2	-	'A' Register	Photostat copy (Compared with original)
Ex.X3	-	Patta No.2426	True copy (Compared with original)
Ex.X4	-	Natham Nilavari Thitta Thooya Adangal Register	True copy (Compared with original)
Ex.X5	-	FMB Sketch	-
Ex.X6	-	FMB Sketch	True copy (Compared with original)

Exhibits on the side of Court:

Exhibits	Dated	Documents	Type
Ex.C1	-	Photos (Nos.6)	Original

Principal District Munsif,
Valliyoor.

Principal District Munsif Court,

Valliyoor.

O.S.No.45/2020

Draft/Fair Judgment

Dated: 05.08.2026