

IN THE COURT OF THE SUB JUDGE, CHENGANNUR

Present :- Smt.Veena.V.S, Sub Judge

Monday, the 25th May 2026/8th Jyeshtham 1948

IA No. 01/2025 in OS.20/2025

(Filed on 14.07.2025)

- Petitioners/Plaintiffs :-**
1. Vandimala Devasthanam Trust,
Thittamel, Chengannur
Represented by its Secretary
Manu Krishnan, aged 41 years,
Manatharayil Veetil, Thittamel Muri,
Chengannoor.P.O, Chengannur Village.
 2. P.A.Ashokan, aged 46 years,
(President of Sree Vandimala Devasthanam Trust)
Chayippil Veetil, Thittamel Muri,
Chengannoor P.O, Chengannoor Village.
 3. Manu Krishnan, aged 41 years,
(Secretary of Sree Vandimala Devasthanam Trust)
Manatharayil Veetil, Thittamel Muri,
Chengannoor.P.O, Chengannur Village.

(By Adv. K.Murali Manohar, Adv. Vishnu Manohar & Adv. Nithin.C.Reji)

- Respondents/ Defendants:-**
1. State of Kerala
Represented by District Collector Alappuzha,
Collectorate, Alappuzha.
 2. The Revenue Divisional Officer,
Revenue Divisional Office, Chengannur.
 3. The Tahsildar,
Taluk Office, Chengannur.
 4. The Village Officer,
Village Office, Chengannur.
 5. Chengannur Municipality,
Represented by Secretary,
Municipal Office, Chengannur.
 6. The Secretary,
Chengannur Municipality,
Municipal Office, Chengannur.
 7. Mahesh Madhu, aged about 45 years,
Mahesh Bhavanam, Erumakkuzhi,
Nooranadu.P.O, Nooranadu Village,
Mavelikara Taluk.

[R1 to R4 - By Adv. Divya Unnikrishnan, Addl.Govt.Pleader

R5 & R6- By Adv. George Thomas, R7 - By Adv. George Philip]

This petition having been finally heard on 25.05.2026 and this court on the same day passed the following.

ORDER

The petition is filed under Order 39 Rule 1 of CPC.

Petition averments in brief are as follows.

2. The petitioner is the Secretary of the 1st plaintiff trust. The suit is for declaration and injunction. The plaint schedule item No. 1 property has been under the possession and ownership of the 1st plaintiff. The plaint schedule item No. 2 property was purchased for the construction of auditorium. In the year 1943 a hundi and a stone lamp for snake were erected near the railway road side. Further the vehicle of the devotees are being parked and the stage programs are being conducted in the said property comprised in Resurvey No. 118/15. The said property was shown as plaint schedule item No. 3 property which was under the possession and enjoyment of the 1st plaintiff openly, publically and without having any interruption. Thus, the 1st plaintiff has adverse possession over the plaint schedule item No. 3 property. Matter is being so, a Municipal Councillor of Chengannur Municipality stole the stone lamp for snake and throw it away in the dirty ditch. It led to the arrest of the said person. Due to the influence of the said Councillor the 3rd defendant gave direction to the 6th defendant to evict the 1st

plaintiff from the plaint schedule item No. 3 property. The 6th defendant affixed a notice without complying any legal formalities. So it is highly necessary to prevent the forceful eviction of the 1st plaintiff from the plaint schedule item No. 3 property.

3. The 7th defendant filed objection by contending that the petition is not maintainable either in law or on facts. The 1st plaintiff has no right or adverse claim over the plaint schedule item No.3 property which is a public pathway. The erection of stone lamp on the public road is contrary to the law and punishable crime. The eviction process was initiated lawfully against the 1st plaintiff. Hence the petition is not maintainable.

4. From the above petition averments and contentions in the objection the following points were raised for consideration.

1. *Whether the prayer in the petition is allowable?*
2. *Relief and costs?*

5. There is no evidence adduced from either side. Heard both sides. Perused the records.

Point Nos. 1 and 2:-

6. The plaintiff is the Vandimala Devasthanam Trust represented by its Secretary. The plaintiff claimed adverse possession over the plaint schedule item

No. 3 property by alleging that the said property has been under their possession openly, continuously without interruption since 1943. Recently under the influence of the 7th defendant, 3rd defendant initiated steps for evicting the 1st plaintiff from plaint schedule item No. 3 property without complying any legal formalities. According to the 7th defendant, plaint schedule item No. 3 is the public road and erection of stone lamp in the public road is a punishable crime and it is highly necessary to remove the same. Hence they started eviction proceedings as per law.

7. It is pertinent to note that the 7th defendant in his objection admitted that the plaintiff constructed stone lamp in plaint schedule item No.3 property and eviction proceedings against the 1st plaintiff was initiated. Whether the 1st plaintiff acquired adverse possession over the plaint schedule item No. 3 property is a matter of adjudication in the suit and it cannot be decided at the preliminary stage of the case. Similarly, whether the eviction proceedings initiated by the 7th defendant is in accordance with law or not is also an issue in the suit and it can be adjudicated only by adducing evidence. If the 1st plaintiff is evicted forcefully, it will cause irreparable and hardship to the 1st plaintiff. The 1st plaintiff did not seek a blanket order restraining the eviction proceedings initiated by the 7th defendant. But their relief is limited to the injunction against forceful eviction. By allowing

the petition no prejudice is caused to the case of the 7th defendant or other defendants. Balance of convenience is in favour of the 1st plaintiff who has established a prima facie case. Hence I am inclined to allow the petition.

In the result, the petition is allowed by restraining the respondents from evicting the plaintiffs/petitioners forcefully from plaint schedule item No. 3 property until the disposal of the suit. No order as to costs.

Dictated to the confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 25th day of May 2026.

Sd/-
Veena. V.S
Sub Judge

Appendix: Nil

Id/-
Sub Judge

//True Copy//

Sub Judge