

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, JAYANKONDAM.

Present: **Tmt.S.Dhanalakshmi, B.A.M.L.,**
Principal District Munsif,
Jayankondam.

On Monday, the 16th day of February 2026

I.A.No.03/2025

-in-

O.S.No.95/2025

Dhivya

...Petitioner/Plaintiff

//versus//

1. The Block Development Officer,
Village Panchayath,
Jayankondam,
2. The Tahsildar, Udayarpalayam,
Jayankondam Tahsildar Office,
Udayarpalayam Taluk,
Ariyalur District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam Taluk,
Ariyalur District.
4. The Assistant Director of Panchayat Audit,
District Collector Office,
Ariyalur.
5. Government of Tamilnadu rep by the
District Collector,
Ariyalur.

...Respondents/ Defendants

This petition came up on for final hearing before me on 28.01.2026 in the presence of the learned counsel Thiru.E.Sivaraman for Petitioner/Plaintiff and in presence of the Government Pleader for R1 to R5 and after perusal of petition, affidavit, counter and case records and after hearing both sides arguments and having stood over for consideration till this day this court delivered the following:

ORDER

1. This petition is filed by the petitioner under Order 39 Rules 1 & 2 of Civil

Procedure Code to pass an order of temporary injunction be granted restraining the respondents, their men, agents, or anyone claiming under them from in any manner interfering with or disturbing the petitioner's peaceful possession and enjoyment of the petition schedule property and also restraining them from demolishing the asbestos – roofed house situated in the petition property till the disposal of this petition and further prays that a interim injunction be granted restraining the respondents from interfering with the petitioner's possession and enjoyment of the suit property till the disposal of the main suit.

2. The brief averments of the petition is as follows:

The petitioner is plaintiff in the suit. The suit property is situated in Ariyalur Registration District, Udayarpalayam Taluk, within the jurisdiction of Jayankondam Sub-Registrar Office, in Thandalai Revenue Village, bearing survey No.257, measuring hectare 02.16.00 (equivalent to 535 cents), out of which an extent of 0.3.50 cents and the house roofed with cement sheets situated thereon constitutes the suit property.

The suit property originally belonged to Government Poramboke land and was in possession as Natham land prior to Government development. The petitioner states that about 5 years ago, he purchased the suit site by way of a verbal settlement from one selvam, s/o. Chinnadurai, who is the petitioner's grandfather's son. From 22.09.2020, the petitioner has been in possession and enjoyment of the property in his own right. Subsequently, he constructed a house with asbestos sheets in the suit property, obtained an electricity service connection in the name of his elder brother selvam, and has been paying house tax and water tax in his own name to the government. Thus, the petitioner continuous to be in lawful possession and enjoyment of the suit property in his own right.

The suit property was originally natham land prior to the government land ownership development scheme. During the said development process, the property was erroneously classified as "Pilleri Kulam" in the revenue records. On coming to

know of this mistake, the petitioner, through Ranjith, S/o. Periyasamy, of vadaveekam village, submitted a petition to the 5th respondent on 16.05.2025 seeking rectification of the said error, and the same is under enquiry. While the matter was pending enquiry, without giving any prior notice or intimation to the petitioner, the respondents, acting jointly, attempted to demolish the petitioner's residential house situated in the suit property on 05.06.2025. The petitioner, with great difficulty, prevented the respondents from demolishing the said house.

The house situated in the suit property, where the petitioner is residing, is the only dwelling house belonging to the petitioner. The pilleri kulam referred to by the 1st respondent is situated at a distance of about 200 feet away from the petitioner's residence, on the upper side of the bund. The force of water catchment for the said tank is only the rainwater flowing through the canal running east-west on the southern side above the tank. Likewise, on the northern side above the bund of pilleri kulam, along the north street, there are several houses constructed on both sides of the street, where people have been residing for more than 70 years for nearly three generations. Below the said north street, the petitioner and several others have also constructed houses and are residing therein. The petitioner's house does not obstruct or affect in any manner the water catchment or inflow sources of the pilleri kulam.

In the rough sketch, the portion marked as 'A' represents the house in which the petitioner is residing, the portion marked as 'B' denotes the north street, the portion marked as 'C' indicates the pilleri kulam and the portion marked as 'D' represents the bund area having a width of about 200 feet.

In this petition a prima facie and the balance of convenience are in favour of the petitioner. By allowing this petition, no hardship or loss will be caused to the respondents/defendants. Therefore it is necessary and just that this Hon'ble Court may be pleased to grant an order of Temporary injunction restraining the respondents/defendants from in any manner interfering with the suit schedule property. It is further prayed that this Hon'ble Court may be pleased to grant an

interim injunction pending disposal of this petition and to continue the said order until the final disposal of the suit as the same is necessary in the interest of justice.

3. The brief averment of the counter filed by the 1st respondent in same adopted by the 2 to 5 respondents:-

The petition is false frivolous and vexatious. The suit property forms part of the pilleri kulam poramboke, which is classified as waterbody poramboke. The plaintiff has no right, title, or claim whatsoever over the said property. The high court of Madras has, in various judgments, directed the removal of encroachments made on water bodies and water body poramboke lands. Even though the house in which the plaintiff is residing may have been described as Natham, the property presently under the plaintiff's occupation is classified as government poramboke land. Moreover, the suit property is a Government water body poramboke, and therefore, no private ownership or possession can be legally claimed over it.

In the writ petition no.38625/2004 and W.P.M.P.No.46168/2004, filed by jacob before the high court of madras “ Suitable circulars/instruction to be issued by the District Collector, Ariyalur District to all the officials concerned to protect the Government poramboke lands, Government properties, water resources and water bodies in the manner prescribed under law. The superintendent of police, Ariyalur district is directed to provide adequate protections to all the officials concerned for the purpose of initiating actions to evict the encroacher from the Government poramboke lands, water bodies and water resources in Ariyalur District”.

Since the name of the plaintiff was found included in the list forwarded from the office of the District Collector, Ariyalur, to the office of the Tahsildar, Jayankondam, for the purpose of evicting persons residing in Government waterbody poramboke lands, it became necessary to remove the encroachment and evict the plaintiff from the place of residence situated in the said Government poramboke area. Hence, this petition has to be dismissed with heavy cost.

4. Neither petitioner nor the respondents have placed any oral or documentary evidence before this court.

5. Now it is to decide whether the petition is going to be allowed or not?

6. Heard both sides. Records perused. Both side learned counsels argued their replica of petition and counter.

7. Points of Consideration:-

Upon consideration of the submissions made by both parties, it is seen that the petitioner/Plaintiff has stated in the petition that the suit property was originally classified as Natham prior to the Government Land Development Scheme and that, during the course of such Government Land Development, the property was mistakenly classified as Pilleri Kulam. The petitioner further contends that upon coming to know of the said classification, a petition dated 16.05.2025 was submitted to the 5th respondent through Ranjith, son of Periyasamy of Vadaveekam Village, seeking rectification, and that the said petition is till under enquiry.

The petitioner has also averred that, without issuing any prior notice to him, all the respondents collectively attempted to demolish the house in which the petitioner has been residing on 05.06.2025, and that the petitioner prevented the same with great difficulty. However, the petitioner has not produced before this court any oral evidence or documentary evidence to substantiate the said averments made in the petition.

Further the petitioner has stated that the suit property was originally classified as Natham and was wrongly reclassified as Pilleri Kulam during the Government land Development process. On perusal of the above facts, this Court is of the considered view that only after conducting a full-fledged trial in the main suit, examining both parties, and considering the documents to be marked through them, a proper and amicable adjudication in respect of the suit property can be arrived at.

Upon considering the alone said facts and circumstances despite the petitioner has exposed the existence of a *prima - facie* case as pleaded in the plaint, the balance of convenience is not tilting in favour of the petitioner. There is no clear possibility of

irreparable loss or injury being caused to the petitioner, if the temporary injunction is not granted. It is well known cannon that the said *prima-facie* case, balance of convenience and irreparable loss must cumulatively and harmoniously be satisfied/proved by the Petitioner before the Court of Justice to grant an order of Interim Injunction, failing which, an Interim Injunction cannot be granted. In this regard, this Court relies upon the Judgment reported in “***Rajendra Prasad Agrawal V. Samarpan Varishtha Jan Parisar (2025)***,” the court held that even if a prima facie case is made, if the balance of convenience and irreparable injury are not in the applicant’s favor, the injunction is rightly rejected. Further, it is not sufficient that the *prima-facie* case is made out, unless the factor of irreparable injury should be proved.

Considering the above said all aspects and in the interest of justice the petition is liable to be dismissed and no prejudice would be caused to the Petitioner at the instant of dismissing this application. If the title of the Petitioner into the suit property is to be decided on this application, that will lead to show the prejudice the issues. More significantly, the root of the case cannot be decided in the Interim Application. Thus, to avoid further consequence and to make a pampering situation among the parties to contest the trial, the petition has to meet the fate of dismissal.

Finally, the petition is dismissed. No cost.

Dictated to Steno - Typist, typed by her directly, corrected computer and pronounced by me in the open court, this the **16th** day of **February 2026**.

Principal District Munsif,
Jayankondam.

Both sides' witnesses and exhibits :- Nil

Principal District Munsif,
Jayankondam.