

IN THE COURT OF THE SUBORDINATE JUDGE OF POLLACHI

PRESENT: Thiru.M.Manikandan, M.A., M.L., PG.D.C.F.Sc.,

Subordinate Judge, Pollachi

Monday, the 10th day of March 2026

(2056, Thiruvalluvar Andu, Visuvavasu Varudam, Maasi Thingal 26th day)

O.S.No. 70/2021

TNCB11-000221-2021

1. A.Muthukumarasamy, S/o.P.Alagappa Gounder, aged 65 years, residing at Door No.29/30, Muthukumarasamy Layout, Near Police Quarters, Pollachi - 642 001.

2. M.Alagu Sadhasivam, S/o.A.Muthukumarasamy, aged 21 years, residing at Door No.29/30, Muthukumarasamy Layout, Near Police Quarters, Pollachi - 642 001. ... Plaintiffs

/Versus/

GTL Infrastructure Limited, Represented by Authorised Signatory, Office at Electronic Sadan No.I, TTC Industrial Area, MIDC Mahape, Navi Mumbai 400 710. ... Defendant

Suit for a) directing the defendant to delivery the vacant possession of the suit property 1st item, b) directing the defendant to pay a sum of Rs.4,69,584/- with interest at the rate of 18% per annum from the date of the suit till the date of the realisation of the same, c) directing the defendant to pay a sum of Rs.13,044/- per month towards the damages from the date of the suit till the removal of the cell phone towers from the first item of the suit property, d) Creating a charge over the property more fully described hereunder as the second item of the suit property, namely, the cell phone tower and the generator set, e) Granting the relief of Mandatory injunction directing the defendant to remove the cell phone tower, namely the second item of the

suit property and failing compliance of the same permit the plaintiff to dismantle the cell phone with the help of skilled persons and to recover the cost of the same from the defendant and awarding costs.

Date of suit: 24.03.2021

Cause of action arose on 07.08.2008, October 2017 and 24.12.2020 at Pollachi, Pollachi Taluk, Coimbatore District.

This suit is value for the purpose of court fee and jurisdiction is at Rs.5,12,784/- and a court fee of Rs.15,384/- is paid under sections 22 and 27© of Tamil Nadu court fees and suits valuation Act.

DETAILS OF VALUATION

Value of the suit for the delivery of possession	Rs.42,200/-	
Court fee paid under section 30 of TNCF Act		Rs.1,266/-
Value of the suit for the relief of recovery of amount is	Rs.4,69,584/-	
Court fee paid under section 22 of TNCF Act		Rs.14,088/-
Value of the suit for the relief of Mandatory Injunction is	Rs.1,000/-	
Court fee paid under section 27(c) of TNCF Act		Rs.30/-
Total Valuation	Rs.5,12,784/-	
Total Court Fee		Rs.15,384/-

This suit coming up for final hearing on 25.02.2026 before this Court in the presence of Thiru.S.Suresh, M.A., B.L., Counsel for Plaintiff and defendant was called absent set exparte and upon hearing the arguments of the plaintiff side and perusing the records, having stood over for consideration till this date, this Court doth decree as follows...

DECREE

- i) The plaintiff is entitled to the relief of delivery of possession as prayed for.
- ii) that the defendant is directed to pay a sum of Rs.4,69,854/- to the plaintiff with subsequent interest at the rate of 9% per annum from the date of suit till the date of decree and thereafter 6% from the date of decree till its realization.
- iii) Time for payment is 3 months.
- iv) The plaintiff is also entitled to damages as stated in the suit.
- v) The plaintiff is also entitled to create a charge over the second item of the suit schedule property.
- vi) The plaintiff is entitled to the relief of mandatory injunction as prayed for in the suit. Accordingly, the defendant is directed to remove the cellphone tower, namely the second item of the suit property, within a period of three months, failing which the plaintiff is at liberty to remove the cellphone tower from the suit property.
- vii) that the defendant do pay to the plaintiff a sum of Rs.24,407/- towards cost.

MEMO OF COST
(Plaintiff side cost memo filed)

	Plaintiffs	Defendant
Stamp on plaint	Rs.15,384.00	-
Vakalath	Rs. 10.00	-
Process memo	Rs. 60.00	-
Senior Advocate fees	Rs. 6,640.00	-
Junior Advocate fees	Rs. 2,213.00	-
Typing Charge	Rs. 100.00	-
Total	Rs.24,407.00	-

DESCRIPTION OF PROPERTY**First Item :**

In Coimbatore District, Pollachi Taluk, Pollachi Town Survey Ward No.IV, TS No.16/6 measuring 80 feet x 60 feet area out of which an extent of 62 1/2 sq.feet.

Second Item :

The passive tower and GSM Antenna, Microwave antenna, diesel generator of Eicher 15 KV capacity – 1 No. with a AC cabin / shelter with a dimension of 4 m x 3.6 m x 3 m within the first item of the property.

Given under my hand and the seal of this court the 10th day of March 2026.

Sd./M.Manikandan
Subordinate Judge,
Pollachi.

DECREE

OS No. 70/2021

10.03.2026