

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : **Tmt.N.Renuga., B.A., B.L.,**
 District Munsif, Sulur
 Thursday the 19th day of October 2023
IA.10/2023
in
O.S.No. 82/2021

1. Mayangal,
2. Karuppal,
3. Palaniammal,
4. Rasu @ Palanisamy,
5. Murugan,
6. Lakshmi,
7. Thulasimani,
8. Thangaraj,
9. Kalamani,

...Petitioners/Plaintiffs

/VS/

1. S.V.Palanisamy
2. Sivaraj

...Respondents/ 1st and 2nd Defendants

This petition is coming on 16.10.2023 for final hearing before me in the presence of Thiru.B.Muralidharan, Advocate for the Petitioners and Tmt.P.Renukadevi, Advocate for the 1st Respondent Mrs.R.Chitradevi, Advocate for the 2nd Respondent and upon perusing the records, and this court made the following:

ORDERS:

Petition filed by the petitioners under Order 16 Rule 6 and 7 R/W section 151 of CPC to summon to produce the following documents and adduce evidence by the Government Servants.

1. The brief averments of the affidavit filed by the petitioners as follows:-

1.1. The suit is filed by the plaintiff for the relief of permanent injunction not to disburse the compensation amount and not to alienate the suit property. The suit property is assigned to one Rangan he died on 03.07.1992 leaving behind Chinnal, Rayan, Myangal, Karuppal, Palaniammal. The existing legal heirs of the plaintiffs in the suit. The late Rangan has never transferred any of his property to any one. One

S.V.Subramanian and 1st defendant fabricated some documents and all Revenue records in their name. The National Power Grid Corporation of India for laying its power land acquired 2.83 acres in S.F.No.476/5 of Karumathampatty village, Suler Taluk.

1.2. The 1st defendant and his brother S.V.Subramanian has alleged to purchased the suit property from Rangan on 06.06.1983. The property has been assigned to Rangan to belong to schedule community it a assigned conditional patta. Hence, from the date of 20 years of allotment of patta the said property could not be alienated. Hence, the 1st defendant and his brother are not schedule community they are being gounder community. Hence, the purchased by the defendant is not valid they cannot claim any right in the suit property.

1.3. Since, the sale deed of 1st defendant dated 06.06.1983 it is mentioned that as per the patta dated 01.12.1969 issued by assignment Special Tahsildar, Pollachi in Na.Ka.No.49454/69A8 it is assigned to Rangan. Further in the said patta there has been lots of condition has been mentioned hence, after production of the said patta before this court alone after the said patta the what are the conditions were enumerated will be established by the petitioners/plaintiffs. Further on as per order of this court directed the 1st and 2nd defendant to produce the said assignment deed but they are not produce the same hence, the petitioners filed this petition to summon the Government Officials to produce the said assignment patta and to depose regarding the same.

(Amended as per order in IA.No.11/2023, dated 09.10.2023)

2). The brief averments of the counter statement filed by the 1st Respondent as follows:-

2.1. The petition is false, frivolous and unsustainable in law and on facts. The petitioners/plaintiffs alone on the burden to prove the facts alleged in the affidavit. The plaintiffs has not stated the particulars of the assignment patta through which their predecessors has got title for the suit property in their plaint. Further without alleging such fact the plaintiffs cannot maintain this application.

3. Points for Consideration:-

Whether the petition filed by the petitioners under Order 16 Rule 6 and 7 R/W section 151 of CPC is to be allowed?

4. Points:-

4.1. Heard the counsels for both the parties. The suit is filed by the plaintiffs for the relief of permanent injunction stating that they are the absolute owner of the suit properties and they are in possession of the suit properties. The plaintiff's case is that the suit property assigned to one Rangan as a conditional patta to the extent of 2.18 acres in S.F.No.476/5 of Karumathampatty village. The National Power Grid Corporation has acquired land for installing their pole on 03.12.2020 and further the 1st and 2nd defendant have claimed compensation from the National Power Grid Corporation. Hence, the plaintiffs filed suit for permanent injunction for the relief not to disburse the compensation amount infavour of 1st and 2nd defendants and permanent injunction to restrain the 1st and 2nd defendants from alienating the suit property. The defendants have appeared and filed their written statement stating that they are the absolute owner of the suit property by way of registered sale deed dated 06.06.1983 from one Rangan son of Rayan. Further they claims that they are in absolute possession of the suit property.

4.2. In the meantime the 1st and 2nd defendants have filed writ petition before the Hon'ble High Court in WP.No.22413/2022 to disburse the compensation amount in their favour. The Hon'ble Madras High Court has been given direction to 3rd and 4th defendants to deposit the compensation amount before this court and disburse the compensation amount by deciding the title.

4.3. Further the petition filed by the 1st and 2nd defendants in IA.No.4/2022 is dismissed by this court for the reasons without deciding the right and title of the parties the disbursal of compensation cannot be ordered. This case posted for trial and plaintiffs subsequently filed this petition by call for the petition mentioned document from the Revenue officials. Both plaintiffs and defendants admitted that the property is assigned property of Rangan by assignment patta No.49455/69A8 by

settlement Tahsildar Pollachi. Further to elucidate the condition imposed in the assigned patta it must be produced before this court. Further the defendants has directed to produce the said copy of the said assigned patta. But the 1st and 2nd defendants filed memo stating that they have not in custody of the said patta. Hence this being the trial court the full opportunity to be given to both side to adduced their side oral and documentary evidences. Hence, in the interest of justice this petition is allowed.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, and corrected and pronounced by me in open court this the 19th day of October 2023.

District Munsif,
Sulur.

List of witnesses and documents on petitioners side:

Nil

List of witnesses and documents on Respondents side:-

Nil

District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.10/2023 in
O.S.No.82/2021
Dated : 19.10.2023
DMC, Sulur.