

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 3rd day of Month of Purattasi

Friday the 19th day of September 2025

I.A.No.20/2025

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
3. The Manager,
Power Grid Corporation of India Ltd.
4. The Tahsildar, Sulur
5. The Revenue divisional officer,
Coimbatore

...Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.B.Muralidharan, Advocate for the Petitioners and Tmt.P. Renuga Devi, Advocate for the 1st Respondent and Tmt.Sree Chithra Devi Advocate for 2nd

Respondent and Mr.Selvakumar Advocate for 3rd Respondent and Mr.S. Mahendran Advocate for 4th and 5th Respondents upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioners under order 16 rule 1 R/W and section 151 of CPC to permit the Petitioners/Plaintiffs to summon the witnesses mentioned in this petition and adduce evidence in respect of the assignment bearing No.49454/69A8 for the property situated in S.F.No.476/5 measuring 2.18 Acres of Karumathampatti Village, Coimbatore District assigned to Rangan.

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

1.1. Petitioners/Plaintiffs have filed the above suit for seeking Permanent Injunction and not to disburse the compensation without adhere to the Land Acquisition Act Procedures. Permanent Injunction restraining the Defendant 1 and 2 from alienating or encumber the suit property. The suit property was assigned to one Rangan was belongs to scheduled caste. Rangan died on 03.07.1992 leaving his two sons Chinnan, Rayan, and three daughters, Mayangal, Karuppal and Palaniammal. The said Mayangal, Karuppal, and Palaniammal are 1st to 3rd Petitioners/Plaintiffs. Chinnan Died on 04.01.1982 leaving the 4th to 6th Petitioners/Plaintiffs as his legal heirs. Rayan died on 01.07.1980 leaving 7th to 9th Plaintiffs as his legal heirs.

1.2. Late Rangan complied with all conditions hence Rangan got absolute right over the suit property and it has become his alienable estate. After death of Rangan and his two sons Chinnan and Rayyan the Plaintiffs are in possession and enjoyment of the suit property. They are cultivating the suit land namely dry lands. Late Rangan never transferred any bit of the suit land or parted it to anybody. This being so One Late S.V.Subramanian and Respondent / Defendant No.1 fabricated some documents. All the revenue records like RSR record earlier

stood in the name of Late Rangan. So as to disprove the allegations made by 1st and 2nd Respondents/Defendants the examination of Witness mentioned the petition is imperative. The examination of witness are vital or determining the disputes between the Petitioners/Plaintiffs and the 1st and 2nd Respondents/Defendants. The Petitioners/Plaintiffs having fair chances of success in the above said suit. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 1st Respondent / 1st Defendant as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts of the case. The Petitioners had already filed a very same petition and for very same purpose and that petition also allowed by this court and the Sub Collector of Tirupur District, Sub Collector Pollachi and the Tahsildar Sular and The Village Administrative Officer of Karumathampatti Village appeared before this court and also adduced evidence in respect of the suit property. The Sub Collector of Tirupur, Tirupur District, Sub Collector Pollachi and the The Tahsildar Sular and the Village Administrative Officer of Karumathampatti Village produced the documents respect to this suit property and the said document also marked as exhibits in this suit. Trial Commenced in this suit. PW1 Chief and Cross Examination also completed and the suit is posted for further Plaintiff Side Witness. In this circumstance petitioners filed very same kind of this petition without any valid reason what so ever.

2.2. The Respondent purchased the suit property by hard earned money and he developed his property spending by Lakhs and Lakhs. Now he the respondent is aged 84 years. In this old age the petitioners dragged the Respondent to this Court with an malatide intention to secure the wrongful gain over the compensation amount allotted to this Respondent for his property. The Respondent and his brother jointly purchased the property from rightful owner after paying valuable sale consideration and till now he is possession and enjoyment of the same. The Petitioners having right

to file this petition without any valid reason and what so ever and the petition is liable to dismissed to inlimini. Hence, this Petition is to be dismissed.

3. The brief averments of Counter statement filed by the 4th and 5th Respondents as follows:

3.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts of the case. The petition filed seeking permission to examine government officials has not been filed under the appropriate legal provisions. Except for what the respondent has admitted, the petitioner must prove all other claims. The petitioner has already examined the Sub-Collector of Tiruppur. Filing another petition to examine an official holding the same position appears to be an attempt to delay the trial. The Deputy Tahsildar of Pollachi has also been examined. Now, the petitioner seeks to examine the Tahsildar of Sular, and after that, the Village Administrative Officer (VAO) as well. This is not acceptable. Regarding Survey No.476/5 of Karumathampatti village, all relevant inquiries have already been completed. Therefore, there is no necessity to examine the Tahsildar of Sular or the VAO again. The petition deserves to be dismissed.

4. No Witnesses were examined on either side, and no documents were marked as exhibits.

5. Points for Consideration:-

Whether the petition under order 16 rule 1 R/W and section 151 of CPC to permit the Petitioners/Plaintiffs to summon the witnesses mentioned in this petition and adduce evidence in respect of the assignment bearing No.49454/69A8 for the property situated in S.F.No.476/5 measuring 2.18 Acres of Karumathampatti Village, Coimbatore District assigned to Rangan is to be allowed?

6. Points :-

6.1. The Petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The original suit seeking for Permanent Injunction to restraining the 4th and 5th Defendants from disbursing compensation to 1st and 2nd Defendants without adhering to the Land Acquisition Act procedures and the 1st and 2nd Defendants from alienating or encumbering the suit property to third party.

6.2. The case is posted for further Pws on 05.02.2025 on the same day the petitioners/plaintiffs filed this petition summon the 1. The Sub Collector, Tirupur North, Tirupur District, 2. The Tahsildar, Sular, 3. The Village Administrative Officer, Karumathampatti Village, Sular Taluk to adduce evidence in respect of the assignment bearing No.49454/69 A 8 for the property situated in S.F.No.476/5 measuring 2.18 Acres of Karumathampatti village, Coimbatore District assigned to Rangan.

6.3. The main suit is Permanent injunction for title suit, hence, this court should given opportunity to both side to adduced their side oral and documentary evidence before this court and to prove their case on merits. The Petitioners stated that Late Rangan never transferred any bit of the suit land or parted it to anybody. This being so One Late S.V.Subramanian and Respondent / Defendant No.1 fabricated some documents. All the revenue records like RSR record earlier stood in the name of Late Rangan. So as to disprove the allegations made by 1st and 2nd Respondents/Defendants the examination of Witness mentioned the petition is imperative. The examination of witness are vital or determining the disputes between the Petitioners/Plaintiffs and the 1st and 2nd Respondents/Defendants.

6.4). In view of the above said contention this court intent to give one more opportunity to prove the plaintiffs case by summoning the 1. The Sub Collector, Tirupur North, Tirupur District, 2. The Tahsildar, Sular, 3. The Village

Administrative Officer, Karumathampatti Village, Sulur Taluk to adduce evidence in respect of the assignment bearing No.49454/69 A 8 for the property situated in S.F.No.476/5 measuring 2.18 Acres of Karumathampatti village. Hence, in order to find out the real dispute in this case. 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, corrected and pronounced by me in open court this the 19th day of September 2025

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on petitioners side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.20/2025 in
O.S.No.82/2021
Dated:19.09.2025
DMC, Sulur