

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

Present : **Tmt.N.Renuga., B.A., B.L.,**

District Munsif, Sulur

Thursday the 29<sup>th</sup> day of August 2024

**IA.14/2024**

**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 Powergrid Corporation India Limited,  
Palldam
4. The Tahsildar,  
Sulur
5. The Revenue Divisional Officer,  
Coimbatore

...Respondents/ 1<sup>st</sup> and 2<sup>nd</sup> Defendants

This petition is coming on 19.08.2024 for final hearing before me in the presence of Thiru.B.Muralidharan, Advocate for the Petitioners and

Tmt.P.Renukadevi, Advocate for the 1<sup>st</sup> Respondent and Thiru.Selvakumar, Advocate for the 3<sup>rd</sup> Respondent and Mrs.R.Chitradevi, Advocate for the 2<sup>nd</sup> Respondent and Thiru.S.Mahendran, Government Pleader for 4<sup>th</sup> and 5<sup>th</sup> Respondents are being called absent set exparte and upon perusing the records, and this court made the following:

### **ORDER**

Petition filed by the petitioners under section 151 of CPC to issue warrant against the Witnesses.

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

1.1. The suit is filed 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 are his existing legal heirs the plaintiffs in the suit. The late Rangan has never transferred any of his property to any one. This being so one late S.V.Subramaniam and 1<sup>st</sup> 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, Sular Taluk.

1.2. Hence, on that base the plaintiffs has sent summons to witnesses and after receiving the witness batta the witnesses have not attend the court in compliance to such summons. Hence, now petitioners filed this petition to brought the witness before this court through warrant.

#### **2. The brief averments of the counter statement filed by the 1<sup>st</sup> 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. In this suit Tahsildar, Sular and VAO of Karumathampatti village and VAO of Pathuvampalli village appeared before this court and they produced all the records called for by this petition and on that ground along the petition is liable to be

dismissed in limini.

2.2. The petitioners have not right filing this kind of petition to issue a warrant against the witness since all the documents produced with their subordinates before this court.

2.3. The lot of petitions filed by the petitioners/plaintiffs to drag this case inspite of instruction by the Hon'ble High Court to dispose the case by following speedy trial. The petitioners are not cooperating in complainece of Hon'ble High Court order. Hence, this petition has to be dismissed.

### **3. Points for Consideration:-**

Whether the petition filed by the petitioners under section 151 of CPC to issue warrant against the Witnesses 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 1<sup>st</sup> and 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> defendants and permanent injunction to restrain the 1<sup>st</sup> and 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 3<sup>rd</sup> and

4<sup>th</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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.

4.4. Hence, already this court allowed take summons to the Tahsildar, Sulur, the Sub Collector Pollachi and the Sub Collector Tiruppur in IA.No.10/2023 on 19.10.2023 and on summons the witnesses No.1 to 3 thereon alone present before this court and produced documents. The other witnesses i.e., the Sub Collector, Tiruppur and the Sub Collector Pollachi has received summons respectively on 20.01.2024 and 19.01.2024. But have not appeared before this court after sufficient opportunity and have not produced any document. Hence, it is necessary to issue warrant to bring the witnesses before this court and cause production of summon mentioned documents. 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, corrected and pronounced by me in open court this the 29<sup>th</sup> day of August 2024.

Sd/N.Renuga  
District Munsif,  
Sulur.

**List of witnesses and documents on petitioners side:**

Nil

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

Nil

Sd/N.Renuga  
District Munsif,  
Sulur.

Draft/ Fair Order  
I.A.No.14/2024 in  
O.S.No.82/2021  
Dated : 29.08.2023  
DMC, Sular.