

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

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

**District Munsif, Sulur**

Thiruvalluvar year 2057 Sri Parapava year, 2<sup>nd</sup> day of Cittirai

Wednesday the 15<sup>th</sup> day of April 2026

**I.A.No. 9/2026**

**in**

**O.S.No. 179/2022**

1. Lissy (Died)

2. S.R. Stephen Babu Raj

3. S.B. Priyanka

**... Petitioners/Plaintiffs**

**/VS/**

Ganaga Raasu

**... Respondent/Defendant**

This petition coming for final hearing before me in the presence of Mr. A. Abdullathif, Advocate for the Petitioners and of Mr.R.Chellimuthu, Advocate for the Respondent and upon perusing the records and having stood over for consideration till this day this Court delivered the following :

**ORDER**

This petition is filed under order 16 Rule 6 of CPC to summon the Executive officer of Irugur Town Panchayat and direct him to producing documents mentioned the petitioner and mark those documents through him on the side of the petitioners/plaintiffs.

**1. The brief averments of petition and affidavit filed by the petitioner as follows:-**

1.1. The 1<sup>st</sup> petitioners has purchased the suit property vide doc.No.5345/2002 and the suit property ie., site No.68 is house site in layout formed in S.F.No.612/1 Irugur village. It's approved by Executive Officer Irugur Town Panchayat vide ref.No.981/1994. But the defendant denying the formation of any

layout in S.F.No.612/1 in Irugur village. Therefore, it is must necessary to examine Executive Officer of Irugur Town Panchayat and mark documents mention in the accompanying petition through him to prove petitioners/plaintiffs case. Hence, this petition is allowed.

**2. The brief averments of Counter filed by the Respondent as follows:**

2.1. The petition is false, frivolous, vexatious and unsustainable both in law and on facts of the case. Except the allegations which are specifically admitted herein, this respondent denies the rest of the allegations in the affidavit and the petitioners are put to strict proof of the same. The petitioners filed this petition only to fill up the lacuna in their case and therefore the same is liable to be dismissed. The petitioners have filed the above suit seeking permanent injunction against the respondent. The burden is entirely on the petitioners to prove their title, possession and identify of the suit property through their own documents and witnesses. Instead of proving the same through their vendors or competent witnesses, the plaintiffs are attempting to summon the Executive Officer of Irugur Town Panchayat, which is not relevant to the issues to be decided in the suit.

2.2. The respondent has specifically denied in the written statement the formation of any layout in the property belonging to the respondent in S.F.No.612/1B and has also stated that the respondent and his father have been in continuous possession and enjoyment of the agricultural land purchased by his father under Sale deed dated 18.03.1992.

2.3. Even assuming without admitting that any layout approval was granted by the Irugur Town Panchayat, such approval will not confer any title or possession over the suit property in favour of the petitioners. Moreover, the Town Panchayat has no independent authority to approve a layout. Even otherwise, the layout approval by a local body is only an administrative act and does not determine

ownership of the property.

2.4. The petitioners have not properly identified the property allegedly purchased by them or the extent allegedly purchased by their predecessor Angamuthu. Unless the petitioners first establish the exact location and title of the property said to have been purchased by them, summoning the Executive Officer of Irugur Town Panchayat will serve no purpose and is wholly irrelevant to the adjudication of the issues in this suit. The petitioners are attempting to introduce irrelevant evidence at this stage in order to prolong the proceedings. This petition is misuse of process of law intended to harass this respondent in one way or other. Hence, the petition is to be dismissed.

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

**4. The brief averments of Written argument filed on behalf of petitioners as follows :**

4.1. The 1<sup>st</sup> plaintiff purchased the suit property vide doc.No.5345/2002 and the suit property is house site in a layout formed in S.F.No.612/1 Irugur village, which is approved by Irugur Town Panchayat by a Resolution passed vide ref.No.981/1994. But the defendant in his written statement specifically denied that there is a formation of any layout in S.F.No.612/1 and he claimed that his father had owned 0.88 acres of land S.F.No.612/1, after his demise the defendant has succeeded the said 0.88 acre of land which exclusively in his possession and the said property was subsequently sub divided as S.F.No.612/1B and the petitioner filed this petition only to fill up the lacunae in their case.

4.2. The petitioners/plaintiffs filed the above suit for permanent injunction against the defendant. The suit property is a house site with a layout formed in S.F.No.612/1 and the formation of any layout is denied by the defendant.

When the defendant denies the formation of the layout burden of proof lies on the plaintiff to establish its existence. Further establishing formant of layout is a material issue which has to be decided by this court and layout plan is official document which carries high evidentiary value. Which will prove the existence of layout. Further the petitioners can only connect with the suit property by identifying it through a verified layout plan which is a mandatory requirement for establishing ownership. Hence, it is very essential to examine executive officer Irugur Town Panchayat and mark layout plain sanctioned by him and other relevant documents mentioned in the petition to decide material issues in the above suit.

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

Whether the petition under order 16 Rule 6 of CPC to summon the Executive officer of Irugur Town Panchayat and direct him to producing documents mentioned the petitioner and mark those documents through him on the side of the petitioners/plaintiffs 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 main suit is filed for Permanent injunction and the original suit is pending for further Plaintiffs side evidence.

6.2. The petitioners stated that, the defendant denying the formation of any layout in S.F.No.612/1 in Irugur village. Therefore, it is must necessary to examine Executive Officer of Irugur Town Panchayat and mark documents mention in the accompanying petition through him to prove petitioners/plaintiffs case. The respondent objected that, the Town Panchayat has no independent authority to approve a layout. Even otherwise, the layout approval by a local body is only an administrative act and does not determine ownership of the property. The petitioners

have not properly identified the property allegedly purchased by them or the extent allegedly purchased by their predecessor Angamuthu.

6.3. The petitioners/plaintiffs filed this petition to summon the Executive Officer of Irugur Town Panchayat to produce the Layout approved by Irugur Town Panchayat vide ref.No.981/94 and application given for approval of layout formed in S.F.No.612/1 Irugur village along with supportive document produced there with. The suit prayer is permanent injunction and the schedule of property is

6.4. As per the schedule of property in main suit the petition mentioned document that, the Layout approved by Irugur Town Panchayat vide ref.No.981/94 and application given for approval of layout formed in S.F.No.612/1 Irugur village along with supportive document are the necessary documents of the case. Hence, this court should given opportunity to both side to adduced their side oral and documentary evidence before this court to prove their case on merits. In view of the above said contention this court intent to give one more opportunity to prove the plaintiffs case by summoning to produce the documents. Hence, this court thinks it is necessary to summon the Executive officer of Irugur Town Panchayat to produce documents and to give evidence on the same.

**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 15<sup>th</sup> day of April 2026.

Sd/M.Santhosham  
**District Munsif,**  
**Sulur.**

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

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

Sd/M.Santhosham  
**District Munsif,**  
**Sulur.**

Draft/ Fair Order  
I.A.No.9/2026 in  
O.S.No.179/2022  
Dated:15.04.2026  
DMC, Sulur