

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 18th day of Month of Aippasi

Tuesday the 4th day of November 2025

I.A.No.15/2025

in

O.S.No.937/2017

1. K.P.R. Cotton Mills Pvt Ltd.,

Rep by its Chairman K.P. Ramasamy

2. K.P. Ramasamy

3. K.P. Deivasigamani

4. P. Nataraj

... Petitioners/Defendants

/VS/

1. Deivasigamani (Died)

2. Subramani (Died)

3. Rajamani

4. Shanmugasundaram

5. Senthil Prakash

6. Maheswari

7. Nikila

8. Minor.Gowri Represented by

her Guardian mother Maheswari

...Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.S.Chandrasekar, Advocate for the Petitioners/Defendants and Mr.V.Raveendran, Advocate for the 3rd to 8th Respondents and the 1st and 2nd Respondents reported Died and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioners u/s 75 of CRP to pass an order by directing Village Administrative Officer of Arasur Village to produce Resurvey and Resettlement Paisalathi Register for S.F.No.194 of Arasur Village formed under UDR scheme.

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

1.1. The Plaintiffs herein have filed the above case against Petitioners for the relief to surrender the property of plaint Schedule Item No.1 measuring an extent of 0.64 ½ acre in S.F.No.194 and for the other reliefs. The plaintiff now claimed the plaint schedule Item No.1 as if they are owner of said extent and thereby to surrender the same. In fact, the boundaries of plaint schedule item No.1 set out by the plaintiffs by themselves i.e., in plaint is without any documentary proof. Moreso, the plaintiffs have suppressed the sub-division number of plaint schedule item No.1 described by them, though the said lands were already sub divided as early in 1980s itself much less to say before filing suit.

1.2. Whereas at present the defendants have verified all the parent documents including Resurvey and Re-settlement Register of Government Revenue department which shows the alleged claim made by the plaintiff as described in Item No.1 of the suit property in S.F.No.194/4. Besides, the earlier advocate/commissioners report would also disclose that the item No.1 of suit property was ear – marked on the southern portion of S.F.No.194/4. On the other hand, the said portion of the property were purchased by the defendants from its vendor Rathinam and Jaya Prakash under Sale Deed dated 07.07.2005 registered as Doc.No.4121/2005 and the defendants are in possession and enjoyment of the same.

1.3. Before Sub-division, the portion described in the plaint schedule Item No.1 namely S.F.No.194/4 along with larger extent of 5.42 ½ acres was

originally purchased by one Palani Gounder from Rangasamy Asari under Sale Deed dated 29.04.1956 registered as Doc.No.596/1956. Subsequently, the said Palani Gounder sold an extent of 2.71 ¼ acres on north and west (of one Rangammal's land who is none other than mother of 1st plaintiff's vendor Natarajan) to Rangasamy Gounder S/o.Thangagounder under sale deed dated 31.08.1966 registered as Doc.No.1294/1966. The plaintiffs sale Deed Doc.No.552/1977 also disclose the said boundary as "South of Rangasamy Gounder's land". Thereafter, the said Rangasamy Gounder settled the said extent to his daughter in law Rathinam and grandson the then minor jayaprakash with absolute right under Settlement Deed dated 10.07.1975 registered as Doc.No.659/1975 which portion is sub-divided as 194/4. Subsequently, the said Jayaprakash sold it to these Defendants under Sale Deed dated 07.07.2005 registered as Doc.No.4121/2005 and thereby the defendants are possession and enjoyment of the plaint item No.1 of the suit property which fact was not brought to the light of this court. More so, the High Court passed an order in CRP.No.128/2025, to measure petitioners/defendants land based on its Title Deeds as well as revenue records. Accordingly, Advocate/Commissioner had also surveyed the land based on Revenue records and Title Deeds along with assistance of surveyor and filed a report to that effect.

1.4. As such, at this juncture, it is just and necessary to examine the Village Administrative Office of Arasur Village in order to establish that the plaint Item No.1 is situated in S.F.No.194/4 which was sub-divided early in 1980 under UDR scheme as per Resurvey and Resettlement Register or else the petitioners / defendants will be put to hardship. The Identity of land along with sub division records and the year of sub division etc., are vital to establish the case of defendants. Though, the petitioners have produced Ex.B.12 (UDR), the plaintiffs have challenged it as if the same not containing all particulars. Moreso, the evidence of VAO is necessary regarding origin and basis of Ex.B.12 since he is competent revenue official to give oral evidence in this matter. Hence this petition is to be allowed.

2. The brief averments of Counter statement filed by the 4th Respondent and adopted by 3rd and 5th to 8th Respondents as follows:

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts of the case. The plaintiffs have filed the above case against the petitioners/defendants for the relief to surrender the property of plaintiff Schedule Item No.1 measuring an extent of 0.64 ½ acre in S.F.No.194 and for other reliefs and these defendants deny as incorrect by filing written statement. Plaintiff claimed the plaintiff schedule Item No.1 as if they are owner of said extent and the Defendants encroached the same. Therefore the Plaintiffs filed the suit for declaration and recovery of possession to surrender the same. It is false and incorrect to allege that the boundaries of plaintiff schedule Item No.1 set out by the plaintiffs by themselves in plaintiff without any documentary proof and the plaintiffs have suppressed the sub-division number of plaintiff schedule Item No.1 described by them and the said lands were already sub-divided as early in 1980.

2.2. It is true that the earlier advocate / commissioner's report would also disclose that the Item No.1 of suit property was ear marked on the southern portion of S.F.No.194/4. Before Sub-division, the portion described in the plaintiff schedule Item No.1 namely S.F.No.194/4 along with larger extent 5.42-1/2 acres was originally purchased by one Palani Gounder from Rangasamy Asari under Sale Deed dated 29.04.1956 registered as Doc.No.596/1956 and subsequently, the said Palani Gounder sold an extent of 2.71-1/2 acrs on north and west (of one Rangammal's land who is non other than mother of 1st plaintiff's vendor Natarajan) to Rangasamy Gounder S/o.Thangagounder under Sale Deed dated 31.08.1966 registered as Doc.No.1294/1966 and the plaintiffs Sale Deed Doc.No.552/1977 also disclose the said boundary as "South of Rangasamy Gounders land. It is also true that thereafter, the said Rangasamy Gounder settled the said extent to his daughter in law Rathinam and grand son the minor Jayaprakash with absolute right under Settlement Deed dated 10.07.1975 registered as Doc.No.659/1975. It is also true that subsequently,

the said Jayaprakash sold the property in the above fields to these Defendants under Sale Deed dated 07.07.2005 registered as Doc.No.4121/2005. In fact the defendants have encroached the Item No.1 of the suit property which is absolutely belonged to the plaintiffs. After the purchase of the property from the Rathinam and Jayaprakash dated 07.07.2005. The learned commissioner has not measured the property as per the document on the other hand she measured the property as per the Revenue records only. Therefore this respondents filed the series objection for the commissioner report.

2.3. In fact, the defendant vendor Rathinam and Jayaprakash are entitled to an extent of Ac.2.71-1/4 in S.F.No.194 of Arasur Village. But unfortunately and by mistakenly the lands for an extent of Ac.3.33 was sub-divided in their land in Sub-division No.194/4, 194/15, 194/9 and 194/14 which is more than what they are entitled to the defendant purposely and wantonly purchased the excess land i.e., an extent of Ac.3.33 instead of Ac.2.71-1/4, by mentioning the said wrong sub divisions with an ulterior intention to encroach the plaintiff's property, the sale deed dated 07.07.2005. After the purchase the defendants with the help of more men and menials trespassed into the Item – 1 of the suit property and encroached the same and put up wire fence. Furthermore the defendants encroached the North – South cart track which is subdivided as S.F.No.194/9 with annexed the same with his property in illegal manner. It is well settled law that the patta and revenue records and not document of title and those are the instruments to collect the tax. The Defendant well aware of the above settled law and encroached the plaintiff's land in illegal manner. It cannot be permitted, it cannot be recognized by the court.

2.4. Immediately after the knowledge that the sub-divisions were carried out in wrong. The Plaintiffs field an application with an revenue department to rectify the above wrong and mistake sub-divisions. For that the revenue officials replied that no revenue records will alter during the pendency of the civil suit and

assured to correct the revenue records in accordance to the decision of the court.

2.5. The Village Administrative Officer having no direct knowledge regarding the sub-divisions and measurements at the time of Sub-division. The Defendant already produced the Ex.12 RSR Extract under UDR. Hence the oral evidence of VAO will not reflect any real facts and also will not helpful to the court for better adjudication an in the interest of justice. Hence the instant application is unnecessary one. The petition is highly belated one. There is no merit or substance in the above application, the petition is purely abuse of process of law and court. Hence, the petition is to be dismissed.

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

4. Points for Consideration:-

Whether the petition under Section 75 of CPC to produce Resurvey and Resettlement Paisalathi Register for S.F.No.194 of Arasur Village formed under UDR scheme is to be allowed?

5. Points :-

5.1. 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 declaration and permanent injunction against the petitioners/defendants. The original suit is currently pending for further defendants side evidence.

5.2. In the original suit, the plaintiff side evidence has been completed. Currently, on the defendants' side two witnesses have been examined and the matter is pending for further DW's. On the defendants' side the 2nd witness Sular Surveyor

has been examined. Through him, the following documents have been marked FMB No.194, Resettlement Register, A-Register, Patta Transfer Order and the Order regarding Subdivision of patta.

5.3. On the Petitioners' side, it has been stated that the 1st Item of the suit property was already subdivided in the year 1980 itself, even before the filing of the present suit. The defendants have suppressed this fact. Survey No.194/4 being sub divided has been denied by the defendants. The petitioner has objected that the UDR register does not contain complete details. Therefore, the petitioners has filed a petition requesting to summon the Arasur Village Administrative Officer to produce the resurvey and and re-settlement register pertaining to Suvey No.194 of Arasur village.

5.4. Both are admitted that, before Sub-division, the portion described in the plaint schedule Item No.1 namely S.F.No.194/4 along with larger extent 5.42-1/2 acres was originally purchased by one Palani Gounder from Rangasamy Asari under Sale Deed dated 29.04.1956 registered as Doc.No.596/1956 and subsequently, the said Palani Gounder sold an extent of 2.71-1/2 acres on north and west (of one Rangammal's land who is non other than mother of 1st plaintiff's vendor Natarajan) to Rangasamy Gounder S/o.Thangagounder under Sale Deed dated 31.08.1966 registered as Doc.No.1294/1966 at SRO, Sular for valid consideration and the plaintiffs Sale Deed Doc.No.552/1977 also disclose the said boundary as "South of Rangasamy Gounders land. It is true that thereafter, the said Rangasamy Gounder settled the said extent to his daughter in law Rathinam and grand son the minor Jayaprakash with absolute right under Settlement Deed dated 10.07.1975 registered as Doc.No.659/1975.

5.5. It is also true that subsequently, the said Jayaprakash sold the property in the above fields to these Defendants under Sale Deed dated 07.07.2005

registered as Doc.No.4121/2005. The learned commissioner has not measured the property as per the document on the other hand she measured the property as per the Revenue records only. Therefore this respondents filed the series objection for the commissioner report.

5.6. The original case involves Government land in Survey No.194 village properties, and it is essential to ascertain the true status regarding this matter. Considering the reasons stated by the petitioners side and the necessity to investigate the sub division related to Arasur village Survey No.194, this petition is allowed in the interest of justice and accordingly ordered.

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 4th day of November 2025

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order

I.A.No.15/2025 in

O.S.No.937/2017

Dated:04.11.2025

DMC, Sulur