

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif cum Judicial Magistrate, Annur.

On this Wednesday, the 11th day of February 2026.

I.A.No. 2/2025
in
O.S.No. 106/2025
(CNR.No.TNCB210018602025)

Keerthana Ravichandran

.... Petitioner/Plaintiff

//Versus//

Venketesan

.... Respondent/Defendant

This petition is coming on today for final hearing before this court in the presence of Thiru.S.Kakka Muthu, Learned Counsel for the Petitioner/Plaintiff and Thiru.S.Anandh, Learned Counsel for Respondent/Defendant, upon perusal of material records and having stood over for consideration till this date, this court passed the following:

ORDER

This petition has been filed by the Petitioner/Plaintiff under Order 39 Rule 1 & 2 of CPC to grant an order of ad-interim injunction restraining the respondent, his men, agents and servants, subordinates or any person in any manner whatsoever from disturbing or interfering into the peaceful possession, enjoyment in the petition

mentioned property by doing any construction of building activities, especially the respondent herein by laying the pillar to the East-West on the Northern side of the compound wall of the petitioner by way of Temporary Injunction till the disposal of the suit and thus render justice.

2. Brief averments in the Affidavit:

a. The Petitioner/Plaintiff is the absolute and lawful title holder of the petition mentioned property by virtue of a registered sale deed in Doc. No.5068/2021, dated 04.08.2021. She availed a housing loan for a sum of Rs.58,14,000/- and after obtaining approval, constructed the house in August 2022. The petition mentioned property measuring an extent of 1500 square feet or 3.5 cents, in which total construction of the building with measuring an extent of 1017.38 square feet. Northern side of the petition property is belonged to the respondent, he purchased the property and started the construction activities for domestic purpose. The respondent failed to allocate the setback space, as per the plan approval by the DTCP which is clear violation of the Tamil Nadu Combined Development and Building Rules Act, 2019. The petitioner/plaintiff left 2.6 feet of land area as setback space on the Northern and 3.6 feet rear side of the suit property but the respondent on the other hand has constructing by installing pillar to his entire portion of land without leaving setback spaces and also encroached the setback spaces of the portion of the petitioner. The petitioner approached the respondent and made it clear that not even an inch of the setback spaces left by the petitioner should be encroached for laying pillar but he

encroached the 2 feet setback space of the petition property. The East-West on the Northern side of the compound wall lying on the East-West 30 feet road to the East-West on the Northern side of the respondent's property. The respondent started construction in his land on the East-West on the Northern side compound wall by laying the pillar and failed to allocate space for setback of the property and encroached 2 feet setback of the suit property. Easement rights enjoyed by the petitioner is disturbed by the respondent. The deliberate and willful encroachment of the respondent by laying the pillar on the East-West on the Northern side compound wall of the petitioner was not only affected the encroachment of the premises of the property and also hide the easement rights for the usage of right of Ventilation, Air, Light, Fire, Safety Hazard, Structural damages and maintenance issues.

b. On 09.09.2025, when the Petitioner questioned the Respondent about the said encroachment, he behaved in a high-handed and unlawful manner despite the Plaintiff's objections. The Petitioner lodged a written complaint before the Special Officer on 10.09.2025 and another complaint before the Assistant Director, District Town and Country Planning Office, Coimbatore, on 11.09.2025. However, no action was taken by the said authorities. On 12.09.2025, when the Petitioner again confronted the Respondent, he and his associates attempted to assault and threatened the Petitioner, stating that they would cause harm if the issue was raised further. The Petitioner then approached the jurisdictional police, but the officials refused to register the complaint and advised the Petitioner to approach the civil court for relief.

Since the Respondent has unlawfully encroached upon a portion of the Petitioner's property and violated the statutory building regulations, the Petitioner has no other alternative but to approach this Hon'ble Court seeking a decree of permanent injunction restraining the Respondent/Defendant, his men, agents, or representatives from continuing the illegal construction or further encroachment on the Petitioner's property. The petitioner is having prima facie case, balance of convenience is also in the favour and if temporary injunction is not granted, she will suffer irreparable loss or hardship. Hence, it is prayed by the petitioner to grant a temporary injunction till the disposal of the suit against the respondent to not to lay pillar to the East-West on the Northern side of compound wall of the petitioner.

3. Brief averments in the Counter statement filed by the Respondent:

By denying entire petition averments, except those are specifically admitted the counter filed by the respondent is as follows. The ownership of petitioner towards the petition property and her construction of house before the respondent purchased his property is admitted. The respondent had not violated any terms and conditions as specified by rules of the Tamilnadu Development and Building Rules Act, 2019. This petition is an attempt of the petitioner to obstruct the construction by respondent for obtaining unlawful gains. The petitioner has to prove the encroachment of 2 feet into petition mentioned property while she separated her property by compound wall. The allegation that the respondent installing pillars without leaving setback space and encroached upon 2 feet of the petitioner's setback space is baseless. Further, if there

is encroachment, the petitioner failed to claim any relief of removal of encroachment. It is false to state that the respondent had blocked the right of ventilation, air, light, fire safety hazard and caused structural damages and maintenance issues. The petitioner completed her construction earlier than the respondent with separate compound wall and so the allegation that the respondent/defendant blocked her easement right is improbable. The petitioner never questioned the respondent as pleaded by her and the averments of her complaint before special officer and assistant director of DTCP were baseless and untenable. Hence, the respondent prays to dismiss this inappropriate petition otherwise the respondent would into much loss and hardship.

4. Neither party has examined any witnesses nor exhibited any documents.

5. Points for Consideration:

Whether this petition under Order 39 Rule 1 & 2 of CPC should be allowed and an order of temporary injunction shall be provided till the disposal of the main suit?

Discussion and Decision:-

6. Both sides counsels' arguments were heard and the advocate commissioner report filed in the present suit was also considered. The present suit was filed for the relief of permanent injunction against the respondent/defendant to obstruct him from

disturbing the possession and enjoyment of petition/suit property by way of constructing **building by laying pillar to the East-West on the Northern side of compound wall, which is absolutely belonged to the plaintiff**.

7. The present petition has been preferred for the relief of temporary injunction till the disposal of the suit to refrain the respondent from constructing pillar to the East-West on the Northern side of compound wall of the petitioner. The petitioner counsel during his enquiry contended that the present suit was filed due to the cracks found in the compound wall of the petitioner's house, which was happened due to the failure of the respondent to provide sufficient setback space as per the approval rules. To support this contention of the petitioner, he filed some photographs to show that there were cracks found in the compound wall of the petitioner's house property. But without any co-relation to these averments of cracks in the compound wall, the averments of the petition shows that the respondent had actually encroached two feet of setback space on the Northern side of the compound wall of the petitioner's house towards the East-West direction and the encroachment was made by laying pillar. Even when the court sought for clarification with respect to the averments of the encroachment as pleaded in the petition and the contrary enquiry submitted by him, there was no clear cut explanation given by the petitioner counsel. Hence, this court awaited for the advocate commissioner's report, as ordered in the accompanying IA No.3/2025.

8. The respondent counsel, submitted his arguments that the respondent never encroached any setback space of the petitioner, the petitioner raised construction to the entire ridges of her property and left no setback space beyond her compound wall. The respondent counsel also assured that the respondent never violated any rules for approval granted for constructing in the respondent's property. It is admitted fact that the property of the petitioner and the respondent is adjacent to one another, the petitioner has completed her construction of house earlier and presently the respondent commenced construction in his property, adjacent to that of the petitioner.

9. The report filed by the advocate commissioner revealed that there was a space of 1.11 feet in between the Southern wall of respondent's house and the Northern compound wall of the petitioner's house, on the Eastern side and there was about 2.2 feet space between the Southern wall of respondent's house and the Northern compound wall of the petitioner's house, on the Western side and the advocate commissioner represented before this court, stated the space between the above said two boundaries were uneven at the Eastern and Western extremity. This report was supported by plan provided by a qualified digital surveyor. After the receipt of the advocate commissioner report, there was no objection raised by the petitioner.

10. Even though no documents was exhibited in the present petition, during enquiry made before this court the respondent counsel submitted the photocopy of the plan approval obtained for the building of respondent's house and it is taken into

consideration for proper decision and, in which the open space has been approved for 3.3feet. From the advocate commissioner report, it was confirmed that the respondent violated the rules and only provided 1.11 feet in the Eastern portion and 2.2 feet on the Western extremity. Apart from this confirmation about violation of the building plan approval of the respondent's house, there is no report of encroachment of setback space left by the petitioner was found in the advocate commissioner report. The petitioner also never specifically pleaded that she actually left setback space beyond the compound wall but contrarily averred that respondent encroached on her setback space. Since no encroachment of petitioner's setback space by the respondent was confirmed or reported in the advocate commissioner report admitted by the petitioner, the petitioner has failed to substantiated her claim of respondent's encroachment.

11. Therefore, the petitioner / plaintiff failed to establish any prima facie case, and balance of convenience in her favour. The irreparable loss or injury, which cannot be compensated by money was also not properly established in the present case, since the easement of air, light and safety hazards can only be decided at the verge of the trial. This court is also of the considered opinion that by relying upon the decision of the Hon'ble High Court of Karnataka in S.Sundar Raj vs Vijayendra Kumar and others, decided on 11.01.2001, in which it was held that the injunction can be sought for against the adjacent land owner for violation of space between two parties, only if the violation in setback space has caused any substantial damage or injury to the

plaintiff. It is also held in the above decision that the person seeking injunction as well as the person violated the rules are having equal right to air and light and the allegation about violation of the rules has to be taken action by the municipality and the petitioner is not entitled to seek any temporary injunction against construction of the defendant on violation of approval rules.

On the basis of the above discussions, the petitioner is not entitled for the interim injunction as sought for. In the result, the petition is dismissed and the parties shall bear their own costs.

Dictated to the steno-typist, directly typed by her in the official desktop, corrected and pronounced by me in the open court on this 11th day of February, 2026.

District Munsif cum Judicial Magistrate,
Annur.

Both side Exhibits marked: - NIL -

District Munsif cum Judicial Magistrate,
Annur.

Draft/Fair Order

I.A. No. 2/2025 in

O.S. No. 106/2025.

Dated : 11.02.2026.

DM cum JM, Annur.

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,
District Munsif cum Judicial Magistrate, Annur.

On this Wednesday, the 11th day of February 2026.

I.A.No. 2/2025
in
O.S.No. 106/2025
(CNR.No.TNCB210018602025)

Keerthana Ravichandran(33) W/o. Karthick,
D.No.120, 5th cross street, VIP Grand Meridian,
Andakkapalayam, Vellnaipatti Post, Coimbatore – 64 042. Petitioner/Plaintiff
//Versus//

Venketesan (55) S/o. Narayanasamy,
D.No.159, 2nd Cross Street, Tatabad,
Gandhipuram, Coimbatore – 641 012. Respondent/Defendant

This petition has been filed by the Petitioner/Plaintiff under Order 39 Rule 1 & 2 of CPC to grant an order of ad-interim injunction restraining the respondent, his men, agents and servants, subordinates or any person in any manner whatsoever from disturbing or interfering into the peaceful possession, enjoyment in the petition mentioned property by doing any construction of building activities especially the respondent herein laying the pillar to the East-West on the Northern side of the compound wall of the petitioner by way of Temporary Injunction till the disposal of the suit and thus render justice.

Date of petition : 22.09.2025.

This petition is coming on today for final hearing before this court in the presence of Thiru.S.Kakka Muthu, Learned Counsel for the Petitioner/Plaintiff and Thiru.S.Anandh, Learned Counsel for Respondent/Defendant, upon perusal of material records and having stood over for consideration till this date and this court doth order and final order as follows:

i) that the petition be and hereby is dismissed.

ii) that there shall be no cost.

Memo of Cost

- Both side cost list not filed -

Description of Property

கோயமுத்தூர் பதிவு மாவட்டம், கணபதி சார்பதிவக உபமாவட்டம், அண்ணூர் வட்டம், வெள்ளாணைப்பட்டி கிராமம், புல எண்கள் 194/4, 5, 6, 7, 8, 195/1A1, IBI, IC, 196/1A, IB, IC, ID, IE, 197/2, 3, 4 மற்றும் 197/5B ஆகியவற்றில் இடம்பெற்றுள்ள மொத்தப்பரப்பு ஏக்கர் 10.28 பரப்பளவில் இடம்பெற்றுள்ள ம.வ/ந.ஊ.இ.எண் 08/2020 நாள் 14.7.2020-ன்படி தொழில்நுட்ப அனுமதி வழங்கப்பெற்றுள்ளதும், கோயம்புத்தூர் உள்ளூர் திட்டக் குழும உறுப்பினர் செயலரால் தி.அ.எண்.187/2020 நாள் 03.11.2020-ன்படி திட்ட அனுமதி வழங்கப் பெற்றுள்ளதும், "VIP GRAND MERIDIAN" என்ற பெயரில் அமைந்திருப்பதுமான மனைப்பிரிவில், புல எண்கள் 196/1B, 196/IC, 196/1D, 197/3, 4 ஆகியவற்றில் இடம்பெற்ற மனை எண்.120-க்கு நான்குமால் விபரம்,

கிழக்கு	-	30 அடி அகல தென்வடல் ரோடு
மேற்கு	-	மனை எண் 125
வடக்கு	-	மனை எண் 121
தெற்கு	-	மனை எண் 119

இதற்குள் கிழமேலில் இருபுறமும் அடி 50, தென்வடலில் இருபுறமும் அடி 30க்கு சதுரடி 1500க்கு 139.35 சதுரமீட்டர் உள்ள காலிமனையும், மேற்படி லேயவுட் ரோடுகள் மற்றும் பொது உபயோக இடங்களில் பொது பாத்தியமும் மூல ஆவணங்களில் இடம்பெற்றுள்ள பாதை பாத்தியம் உள்ளிட்ட அனைத்து பாத்தியங்களும் சேர்ந்து.

Given under my hand and the seal of this court, this the 11th day of February, 2026.

District Munsif cum Judicial Magistrate,
Annur.

Final Order in :

I.A. No. 2/2025 in
O.S. No. 106/2025.
Dated : 11.02.2026.
DM cum JM, Annur.