

IN THE COURT OF DISTRICT MUNSIF - CUM - JUDICIAL
MAGISTRATE, PORTONOVO

Present : Thiru.D.YUVARAJ,

District Munsif – cum – Judicial Magistrate,
Portonovo

Thursday, the 16th day of April, 2026

I.A.No.172/2025 in OS.No.62/2025

Vivegananthan

(Represented Power agent by his
Narayanasamy)

....Petitioner/ Plaintiff

-versus-

1. Senthamaraikannan
2. Uthayakumar
3. Rajeswari
- 4.The District Collector
Cuddalore.
5. The Tahsildar,
Thaluk Office,
Bhuvanagiri

... Respondents/Defendant.

This petition is coming before me for final hearing on 10.04.2026 in the presence of Tmt.S.Gowri the Learned Counsel for the petitioner and Thiru.K.Jayachandiran the Learned Counsel for the 2nd & 3rd Respondents and 1st, 4th, 5th respondents called absent set exparte and upon perusing the entire case records and having stood over for consideration till this day, this court delivered the following..

ORDER

This petition is filed under Order XXXIX Rule 1 CPC seeking temporary injunction restraining the respondents 1 to 3 from in any manner interfering with the peaceful possession and enjoyment of the suit property and from encroaching the same pending disposal of the suit.

1.Gist of the Petition

The petitioner/plaintiff contended that the suit property situated at Manjakuzhi Village, Bhuvanagiri Sub Division, comprised in S.No.82/3F4 measuring 1 acre 75 cents, originally belongs to his family and was allotted in partition. The petitioner claims to be in possession and cultivation of the same. It is further contended that while attempting to put up fencing to protect the property from cattle trespass, the respondents 1 to 3 obstructed the same and attempted to interfere with possession and encroach upon the property. Though steps were taken to survey the land through the Tahsildar, Bhuvanagiri, the respondents allegedly prevented the same by using influence. Police complaint was also lodged, but no action was taken. Hence, the present suit and this petition.

2.Gist of the Counter

The respondents 2 and 3 filed counter stating that they are in possession of their respective properties and have not interfered with the petitioner's possession. They denied all allegations of encroachment and contended that the petitioner is creating unnecessary disputes and has filed the present petition with ulterior motive. They prayed for dismissal of the petition.

3.Respondents 1, 4 and 5 were set ex parte.

4.Point for Determination

Whether the petitioner is entitled to the relief of temporary injunction as prayed for?

5.Discussion and Decision

Heard both sides and perused the records. This petition is filed seeking temporary injunction. It is well settled that for granting such relief, the petitioner has to establish

- (i) prima facie case,
- (ii) balance of convenience, and
- (iii) irreparable injury.

In present case, the petitioner has claimed title and possession over the suit property based on partition. The respondents 2 and 3, in their counter, have not specifically disputed the ownership of the petitioner in respect of the suit property, but have denied the alleged interference. At this interlocutory stage, this Court is not required to decide the title

conclusively. The materials placed on record prima facie indicate that the petitioner is in possession and enjoyment of the suit property.

The contention of the petitioner that there was obstruction while attempting to put up fencing and interference with possession is supported by the averments and surrounding circumstances. The respondents have merely denied the same without placing any convincing material to dislodge the petitioner's claim at this stage. Thus, a prima facie case is made out in favour of the petitioner.

With regard to balance of convenience, if the injunction is refused, there is a likelihood of disturbance to the petitioner's possession and possible encroachment, which would cause greater hardship. On the other hand, if injunction is granted, no serious prejudice would be caused to the respondents, as they are only restrained from interfering with the petitioner's possession. Hence, the balance of convenience lies in favour of the petitioner. With regard to irreparable injury, interference with possession of immovable property would result in hardship which cannot be adequately compensated in terms of money.

Therefore, this court is of considered opinion that the petitioner shows prima facie case and balance of convenience in favour of the petitioner and he would suffer irreparable loss if injunction is not granted. Hence, this court is inclined to allow the petition.

In the result

The petition is allowed.

The respondents 1 to 3 are hereby restrained from in any manner interfering with the peaceful possession and enjoyment of the petitioner over the suit property and from encroaching the same, till disposal of the suit.

No costs.

The order was directly dictated by me to the Steno-Typist, who typed in computer corrected by me and pronounced in open court on 16th April 2026.

District Munsif cum Judicial Magistrate,
Portonovo