

In the Court of the Principal District Judge,
Kancheepuram District at Chengalpattu

Present :- Thiru. R.Selvakumar B.A.M.L
Principal District Judge, Chengalpattu

Friday the 17th day of March 2017.

I.A. 616/2016 in O.S. No. 93/2016.

M/s. Singapore Realty Private Limited
Represented by its Director
Yeo Boon Kwang
Siruseri.

.. Petitioner/Plaintiff.

//Versus//

1. M/s. Easwari Electronics Private Limited
Perungudi, Chennai.
2. Anand.

.. Respondents/Defendants.

This petition is coming on 3.3.2017 before me for final hearing in the presence of M/s.Srianth Sridevan and K.K.S.Jayaraman Advocates for the Petitioner, M/s.M.Mohamed Hasain and A.M.Meeran Advocate for the Respondents, Upon hearing the arguments of both sides and upon perusing the documents, this Court delivered the following

ORDER

This application has been filed under Order XXXIX Rule 1 and 2 of C.P.C to grant an order of temporary injunction restraining the Respondents, their henchmen, agents and successors in interest from in any manner carrying on any constructions or alterations or creating any manner of third party interest in or over the property mentioned in the petition

mentioned property till the disposal of the suit.

2. Point for consideration:

Whether the petition deserves to be allowed?

3. Point:

This application has been filed seeking interim injunction restraining the respondents from in any way interfering with the possession of the petitioner/Plaintiff and put up any construction in the suit property. The suit property is about 17 cents in Survey No.230. According to the Petitioner/Plaintiff the entire S.No.230 and other survey numbers adjacent to the same were allotted by the SIPCOT to the Petitioner/Plaintiff's Company. The defendants are not having any right in Survey No.230. They are owning property adjacent to Survey No.230. Taking advantage of the petitioner's property is lying vacant, they are trying to encroach upon the property described in the plaint schedule. Contending so, they pray for interim injunction.

4. The Interim injunction was granted by this Court on 1.6.2016 itself. Still, it is in force. Meanwhile, an Advocate Commissioner was appointed. He has also filed his report with the observation that there was some recent construction in Survey No.230 in a portion of Survey No.230/14. The Plaint documents 1 and 2 would go to show the execution of sale deed by the State Industries Promotion Corporation of Tamil Nadu namely SIPCOT in favour of the plaintiff's Company. The document No.2 covers the entire Survey No.230 measuring about 3.39 cents.

5. The contention of the Respondent/Defendant is that they have purchased the property in the year 1993. As per the document filed by

them, by virtue of sale deed dated 22.9.1993, apart from survey number 227, the Respondent/Defendant purchased 14 cents in Survey No.230/14. It has been alleged that the entire Survey No.230 was the subject matter of land acquisition proceedings. The document filed by the plaintiff would go to show such acquisition of entire Survey No.230. The acquisition is around the year 2000. Even if the document infavour of the Respondent/Defendant is true, the Survey No.230/14 is the subject matter of land acquisition proceedings. The only right vested on the defendant/purchaser of Survey No.230/14 is to claim compensation form the acquiring authority. As soon as the acquisition proceedings are over, the alleged title with the Respondent seized to exist, it becomes the property of the SIPCOT and in turn it sold the property to the present petitioner. Primafacie entire Survey No.230 has been sold infavour of the Plaintiff's Company. The Advocate Commissioner's report and the Surveyor's plan and adangal all would go to show that the entire Survey No.230 is the subject matter of the land acquisition proceedings and it has been vested with the SIPCOT, then transferred to the Plaintiff's Company. Under such circumstances primafacie title is infavour of the Plaintiff. The merits and demerits of the rival contention has to be decided only after full trial. Since Primafacie title is with the plaintiff the status quo of the property as on date of suit to be maintained in the interest of justice till the issue of title is decided in trial. Under such circumstances this Court finds the balance of convenience in favour of the plaintiff and thus finds the petition deserves to be allowed.

6. In the result this petition is allowed. Interim Order granted

already is made absolute till the disposal of the suit. No costs.

Dictated to the Stenographer, taken down, transcribed, Computerized by him, corrected and pronounced by me in the open court, this the 17th day of March 2017.

Sd/-R.Selvakumar

Principal District Judge
Chengalpattu

Both side Exhibits and Witnesses: NIL.

Sd/-R.Selvakumar

Principal District Judge
Chengalpattu.

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