

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKALUKUNDRAM.**

Present : Thiru. A. Baseer, M.A.,M.L.,
District Munsif cum Judicial Magistrate,
Thirukalukundram.

Wednesday, the 07th day of January 2015

O.S. No. 1/2014

... Plaintiff

B. Hanifa

-Vs-

1. The Tahsildar,
2. The Special Tahsildar,
3. The State of TamilNadu represented by District Collector

... Defendants.

This suit coming before me for final hearing on in the presence of Thiru. P. Shankar Babu and Tr. G. Kumaran, learned counsel for plaintiff, and Government Pleader, learned counsel for Defendants, Written statement not filed Defendants D1 to D3 called absent and set exparte, upon perusal of documents and hearing arguments plaintiff side and having stood over for consideration till this date, this court delivers the following.

JUDGMENT

Suit for permanent injunction restraining the defendants 1 and 2 their men, agents and servants from any way interfering with the plaintiff's possession and enjoyment of the suit suit property and costs of the suit.

2. PLAINT AVERMENTS IN BRIEF ARE AS FOLLOWS

The suit S.No.59/4 is a total of Ac.1.29 cents originally belonged to Y. Shamsudin Sahib having got under a registered partition deed dated 21.07.1971. After the said partition deed, the said Shamsuddin was in possession and enjoyment of the same. Out of Acre 1.29 cents, 0.20 cents was taken by the Government for the purpose of East Coast Road. After acquisition of the land for East Coast Road, the said Shamsuddin was in possession and enjoyment of 1.09 cents. The S.No. 59/4B was sub divided as S.No. 59/4A and S.No.59/4B. The S.F.No. 59/4B is East

Coast Road. S.No. 59/4A belongs to Shamsuddin. Patta No. 407 was granted in the name of Shamsuddin. Shamsuddin was in possession and enjoyment of Acre 1.09 cents in S.No.59/4A. Out of which the Plaintiff purchased 0.29 ¼ cents (suit property) from Shamsuddin under a registered sale deed dated 19.01.1995. After the purchase, the Plaintiff mutated the Patta No.537 in his name. The S.No. 59/4A has been further sub divided as S.No. 59/4A2. The Plaintiff constructed a house and residing therein with his family members. The Plaintiff constructed two houses in the suit property and paying house tax and electricity charges. Apart from the house, the Plaintiff has planted trees like mango, coconut, eucalyptus, teak, guava,

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lemon, pomegranate and plantain in the suit property. The Plaintiff is in possession and enjoyment of the suit property from the year 1995 on wards and his possession is also recognized by the Government.

The defendants 1 and 2 on 13.11.2013 came to suit property and asked the Plaintiff to vacate the suit property. Plaintiff showed all the documents to the defendants and without seeking them the defendants drastically asked the Plaintiff to vacate the suit property. The defendants again came on 16.12.2013 and asked the Plaintiff to vacate the suit property. The defendants 1 and 2 are attempting to disturb the peaceful possession and enjoyment of the suit properties at the instigation of third parties. The act of defendants could not be prevented in future by the Plaintiff. Hence, the Plaintiff has no option except to approach this Hon'ble Court for remedy. The 3rd defendant is superior authority of the defendants 1 and 2. The 3rd defendant is added as a party for proper adjudication and no relief is claimed against the 3rd defendant. Hence, this suit, praying for permanent injunction restraining the defendants 1 and 2 and all their men from interfering with the peaceful possession and enjoyment of the suit property and directing the defendants to pay the cost of the suit with such other reliefs.

The defendants called absent and set exparte.

3. Now the point of determination is whether the suit is to be decreed or not?

Point:-

Heard. The Plaintiff filed the suit for permanent injunction restraining the defendants and their men, agents, servants from any way interfering with the Plaintiff's peaceful possession and enjoyment of the suit property.

The defendants failed to appear to file their written statement and set exparte.

The Plaintiff filed this suit for permanent injunction against the defendants and their men, agents, representatives not to disturb the peaceful possession and enjoyment of the Plaintiff's property. During the trial on the side of Plaintiff PW1 and PW2 examined and ExA1 to A6 marked.

The defendants failed to resist the claim of Plaintiff. Hence, this Court has no other option to accept the evidence of Plaintiff.

The PW1 examined and ExA1 to A6 marked. After perusing the Ex.A1 to A6. The Plaintiff has got title and possession over the suit schedule property. The defendants were issued Patta and mutated Patta to the Plaintiff. After perusing the ExA1 to A6. The Plaintiff proved that he is in possession in the suit property. Hence, Prima facie case made out in this case. Balance of convenience in favour of Plaintiff. If injunction is not granted irreparable loss caused to Plaintiff. From the oral and documentary evidence the Plaintiff have proved that they are in possession in the suit property. After perusing the ExA1 to A6 and the oral as documentary evidence the Plaintiff have proved and established his claim.

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In the light of above discussion, the Plaintiff is proved and established his claim.

In the result this suit is decreed as prayed for. No costs.

Dictated to the typist, typed by me corrected and pronounced by me in open court on this the 07th day of January 2015.

District Munsif-cum-Judicial Magistrate,
Thirukalukundram.

Plaintiff side witness:

PW1 Tr. Hanifa

Plaintiff Side Exhibits:

1	Ex.P1	29.7.1971	Xerox copy of Registration copy of Partition deed between Yusuf Sahib and others.
2	Ex.P2	19.01.1995	Registration copy of Sale deed executed by Shamsuddin in favour of B. Hanifa. Patta No. 407 in the name of Shamsuddin (Xerox)
3	Ex.P3	30.08.1990	
4	Ex.P4	15.06.2001	Patta No.537 in the name of Hanifa.
5	Ex.P5	04.07.2013	House tax receipts in the name of Hanifa.
6	Ex.P6	----	Photos (No.2)

Defendants side Witnesses and Exhibits:

– Nil -

DM-cum-JM
TKM

