

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam.**

**Wednesday, this 04th day of March, 2026
I.A.No. 2/2026
in
O.S.No. 17/2026
(CNR.No.TNCG13 – 000063-2026)**

R. Palani

...Petitioner/Plaintiff

..Vs..

1. K. Vinoth Kumar

2. K. Sagadevan

3. R. Samikannu

4. L. Valankannan @ Muthu

5. Sankar

6. Lakshmi

...Respondents/Defendants

This petition coming up for final hearing on 03.03.2026 in the presence of Mr.M.Tamilmaran, counsel for petitioner/plaintiff, Mr.S.Subramanian, Counsel for the respondents 1 to 6/defendants 1 to 6, and having heard the arguments on both sides and having perused the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under Order XXXIX Rule 1 and 2 of Civil Procedure Code to grant an order to temporary injunction restraining the

respondents/defendants their men, agents and servants from in any way interfering with the petitioner's/plaintiff's peaceful possession and enjoyment over the suit Schedule property.

2. Petition in brief:

Suit property purchased by Kulamoideen under a registered sale deed dated 20.07.1954 from Parasuraman. Kulamoideen in turn sold the same to Dhanalkshmi, the mother of the petitioner under a registered sale deed dated 19.09.1957. Dhanalakshmi died intestate leaving behind her children namely petitioner, Neelakandan, Sakkubai, Rajeswari and Jotheeswari. Her husband predeceased her. Thereafter the legal heirs of Dhanalakshmi partitioned the properties along with their family properties by way of registered Partition deed dated 19.03.1998 (Doc.No.460/1998) and wherein the suit property was allotted to the petitioner under B- schedule. Patta also mutated in his name and he also paid tax to the suit property.

Earlier one Vedagiri and Mangeshwaran interfere with the petitioner's possession and hence the petitioner filed a suit for permanent injunction in O.S 299/1999 on the file of District Munsif, Madurantakam. It was decreed in his favour on 04.02.2004. 1st defendant preferred a petition before the RDO, Madurantakam to cancel his patta for the suit property. RDO has elaborately enquired the matter and passed an order on 15.05.2025 as against the 1st defendant. Thereafter the petitioner has taken a pit in the suit property for construction of residential building and commercial building on 28.01.2026. At that time the 1st defendant along with other defendants came with rowdy elements deliberately stopped the construction and also threatened anything done in the suit property, they will murdered his on the spot. The defendants are rowdy elements in the suit village, they are powerful by men and money. Petitioner is a minority community in the suit village. Taking undue advantage of the same the

defendants have threatened petitioner and petitioner's family. Petitioner also preferred a Police complaint on 28.01.2026. Earlier several police complaints were given as against the defendants. But the Police has not taken any steps. Further the defendants also casting cloud on petitioner's title over the suit property. The defendants may renew their attempt in future. Hence, petitioner have no other option except to file the suit for declaration and permanent injunction as against the defendants herein.

On the western side of the suit property there are village people put up house building and residing there. They have no short access to reach their house. All the village elders requested the petitioner to give access to reach the houses. As per the village elder's advice petitioner have given access to the Moosivakkam village people in the suit S.No. 198/1 and also S.No. 198/2B. Petitioner have given access to the village panchayat to an extent of 0.04 acres out of 1.10 acres in the suit survey number. Petitioner also ready to execute the gift deed in future, to the village panchayat for an extent of 0.04 acres. Remaining extent of 1.06 acres was enjoyed by the petitioner and hence the suit is filed only for 1.06 acres alone. Further the petitioner has put up a compound wall on the remaining three sides.

Hence the petitioner files this petition for temporary injunction restraining the respondents/defendants their men, agents and servants from in any way interfering with the petitioner's/plaintiff's peaceful possession and enjoyment over the suit property.

3.Counter of respondent in brief:

The defendants deny the allegations and averments contained in the plaint, The non grant of patta will not cloth with title to plaintiff her divest the title of the defendants. The suit itself is not maintainable as all the legal heirs are not impleaded. The petitioner attempted to put up shops in the property owned by

respondents and others and even earlier, the defendants have filed suit for declaration and permanent injunction (i.e) O.S.No.26/2026. The allegation that the respondents along with rowdy elements threatened to murder the plaintiff is false. The respondents have got every right to stop the construction in their property.

The petitioner/plaintiff has no manner of right, title or possession in respect of suit property. He is making illegal attempt to grab the suit property. He is not entitled for interim injunction. S.No. 198 owned by Namasivayam. Old A register stands in his name. He had two sons, where one of the son Singaram sold 1.00 acre under a registered sale deed dated 02.12.1957 to Manickam, Gengan Thambiran, Raghavan and Thulukanan. The defendants and other are their legal heirs. They are in possession and enjoyment of suit property. The property purchased by Dhanammal is comprised in S.No.198/2B and not 198/1. The partition deed clearly shows the correct survey number. There is no merits in the application. All the other allegations are hereby specifically denied. Hence this petition is liable to be dismissed with heavy cost.

4. Petitioner Exhibited P1 to P15. Respondent Exhibited R1 to R4. No oral evidence adduced by both parties.

5. Heard both sides and perused the records.

6. Point:

“Whether this application can be allowed?”

In nutshell the case of petitioner is that the suit property in S.No.198/1 measuring 1.10 acres originally belonged to Kulamoideen by virtue of registered sale deed dated 20.07.1954 and thereafter the same was purchased by plaintiff's mother Dhanalakshmi under registered sale deed dated 19.09.1957 and after her demise, in a registered partition deed dated 19.03.1998, the property was allotted to the petitioner and that patta was also granted in his name and he is in

possession and enjoyment of the suit property. Respondents defend that the suit property originally belonged to Namasivayam and that their predecessors purchased 1.00 acre in the year 1957 and that they are in possession and enjoyment and further contend that the property purchased by Dhanalakshmi relates to S.No.198/2B and not 198/1.

At the outset the petitioner who came up with this application should prove that he has prima facie case and that the balance of convenience is in favour of him. Claim of petitioner is that the suit property was conveyed under Ex.P1 and Ex.P2 sale deeds and subsequently allotted to his share under Ex.P6 partition deed and that patta was issued in his name under Ex.P7 and that he has been paying kist under Ex.P9. The petitioner has also produced a decree and judgment in O.S.No.299/1999 under Ex.P10 and Ex.P11, wherein his possession was recognised, and the RDO order dated 15.05.2025 under Ex.P12, wherein the claim of the 1st defendant for cancellation of patta was rejected. These documents prima facie show continuous assertion of right and possession by the petitioner.

The respondents also produced a sale deed, Ex R1, in the name of Gengan and others dated 02.12.1957. It is pertinent to note that Ex P10 and P11, the judgment and decree passed in favour of the petitioner herein was against one Vedagiri who is none else than the son of Gengan as stated in page 5 of Ex P12, the order of Revenue Divisional Officer. Apart from that as per Ex P12, the boundaries comprised in the suit property and boundaries in Ex R1 are different. If it so, Ex R1 would not disprove the prima facie title of the petitioner and his predecessor. Ex R2, the genology table would not serve any purpose to show right and possession of the suit property. Ex R3, the RSR for the year 1911, where it shows that the suit property stands in the name of one Namsivayam. But subsequently the patta was mutated in the name of Ramakrishanan, the father of the petitioner in UDR scheme and later in the name of petitioner as evidenced

under Ex P12 and P7. So, Ex R3 would not show that the respondents have prima facie title to the suit property, as there is no explanation given for derivation of title from Namasivayam by the respondents. Ex R4, the partition deed is not in respect of the suit property and hence it cannot be taken into consideration.

Next it is the specific allegation of the petitioner that on 28.01.2026 the respondents attempted to interfere with his possession and obstructed construction, for which he has also lodged police complaint under Ex.P13. Petitioner to show that he is in possession of the suit property has produced the kist receipts which are marked as Ex P9. On perusal the said Ex P9, it was paid to the property comprised in patta which is marked as Ex P7. On the other hand there is no single document produced by the respondents either to show their title muchless possession over the suit property. At this juncture the petitioner by way of Ex P1, P2, P6, P7, P9 and P12 shows that he has prima facie case. It is the case of petitioner that he was intend to construct both residential and commercial buildings, where the respondents trying to interfere with the same by giving life threat. If the respondent do so, the petitioner will be put to irreparable loss and hardship. So, the balance of convenience is also in favour of the petitioner. The act of respondents can be restrained only by an order of this court. Hence the petitioner is entitled to the relief of permanent injunction as claimed and this point is decided accordingly.

7. Result:

In the result, this application is allowed with costs. The interim order already granted is hereby made absolute.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 04th day of March, 2026.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence:***Nil*****II. Petitioner side Exhibits :**

Ex.P1	20.07.1954	Registration copy of Sale Deed executed by Arunachala in favour of Kulamoideen Saibu.	True Copy.
Ex.P2	19.09.1957	Registered Sale Deed executed by Kulamoideen Saibu in favour of Dhanalakshmi.	Original.
Ex.P3	13.06.1994	Copy of Death Certificate of Dhanalakshmi.	Xerox Copy.
Ex.P4	16.06.1994	Copy of Death Certificate of Ramakrishna.	Xerox Copy.
Ex.P5	07.09.2004	Legal Heir Certificate.	Xerox Copy.
Ex.P6	19.03.1998	Registration Copy of Partition Deed entered into between Neelakandan, plaintiff, Sakkubai and others.	Certified Online Copy.
Ex.P7	03.02.2026	Patta Extract.	E-Certificate.
Ex.P8	24.02.2018	FMB Extract.	Web Copy.
Ex.P9		Kist Receipts (2 counts).	Original.
Ex.P10	04.02.2004	Copy of Decree in O.S No. 299/1999.	Certified Court Copy.
Ex.P11	04.02.2004	Copy of Judgment in O.S No. 299/1999.	Certified Court Copy.
Ex.P12	15.05.2025	Proceedings of Revenue Divisional Officer, Madurantakam.	Original.
Ex.P13	28.01.2026	Police Complaint.	Xerox Copy.
Ex.P14		Guideline Value.	Web Copy.
Ex.P15		Photo with CD with Pendrive along with 65B Certificate.	Original.

III. Respondent side Evidence :***Nil***

IV. Respondent side Exhibits :

Ex.R.1	03.12.1957	Registration copy of Sale Deed executed by Sathasivam in favour of Manickam and others.	Certified Online Copy.
Ex.R.2		Genealogy Table.	Original.
Ex.R.3	17.03.2025	Copy of RSR extract pertaining to Survey No. 198/1 for the year 1911.	Xerox Copy.
Ex.R.4	05.06.2023	Registration Copy of Partition Deed entered between plaintiff and others.	Certified Online Copy.

Subordinate Judge,
Madurantakam.

Fair / Draft order
IA No. 2/2026
in
OS No. 17/2026
D.D: 04.03.2026
Subcourt,
Madurantakam