

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

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

**Tuesday, this 14th day of July, 2026
O.S. No. 70/2025
(CNR.No.TNCG13-000165-2025)**

1. Malarvizhi
2. S. Ravi
3. S. Devadoss

...Plaintiffs

...Vs...

1. State of Tamil Nadu,
Rep. By District Collector,
Chengalpattu.
2. The Revenue Divisional Officer,
Madurantakam.
3. The Thasildar,
Madurantakam.

... Defendants

This suit coming up for final hearing on 17.06.2026 in the presence of Mr.S.Subramanian, Counsel for the plaintiffs and Government Pleader for the defendants 1 to 3 and defendants 1 to 3 were called absent and set exparte, after hearing the arguments on the side of plaintiff and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

JUDGMENT

Plaintiff files the Suit for declaration of his title to the suit property, for permanent injunction restraining the defendants their men, agents from anyway interfering with his peaceful possession and enjoyment of same and for cost.

2. *Plaint in brief:-*

Suit properties and other properties were owned by Mari (i.e) grandfather of plaintiffs. While he was alive all the properties were orally divided about 50 years ago, and the suit property was allotted to the share of Sundaram, the father of the plaintiffs. Thereafter the said Sundaram was in separate possession and enjoyment of the suit property. He died intestate on 20.04.2015 leaving the plaintiffs as his legal heirs. After his death the plaintiffs are in possession and enjoyment of suit property.

During Natham scheme the Government wrongly classified suit property as passage. But the plaintiffs are in possession and enjoyment of the suit property. Now the plaintiffs could not deal with the property due to lack of patta. Government is attempting to grant assignment to third parties. Plaintiffs came to know the same only on 25.02.2025.

Hence the suit.

3. Though defendants 1 to 3, entered appearance through their counsel, they failed to file their written statement and hence they were called absent and set exparte.

4. Plaintiffs examined the 1st plaintiff as Pw1 and marked Exhibits A1 to A3.

5. Heard the plaintiffs, perused the documents and their evidence.

6. *Points for consideration :-*

1. Whether the plaintiffs have title to the suit property?
2. Whether the plaintiffs are in possession and enjoyment of the suit property?
3. Whether the plaintiffs are entitled to the relief of declaration of their title to the suit property?

4. Whether the plaintiffs are entitled to the relief of permanent injunction restraining the defendants from interfering with their possession and enjoyment of the suit property?
5. To what other relief the plaintiffs are entitled for?

7. Point No.1:

“Whether the plaintiffs have title to the suit property?”

It is the case of plaintiffs that the suit property originally belonged to their grand father Mari, having purchased the same under Ex A1 and that in an oral partition it was allotted to their father Sundaram and after the death of Sundaram, the plaintiffs inherited title to the same.

As usual the Government officials, who are defendants in the suit, failed to defend the suit and hence they were set exparte. Though the defendants were set exparte, it is just and necessary for the plaintiffs to prove their case by adducing cogent and acceptable evidence.

Here the plaintiffs filed the sale deed in the name of Mari as Ex A1. On keen perusal of Ex A1, the suit property does not find place therein. Description of property does not tally with the property mentioned in Ex A1. There is no explanation offered about the same by the plaintiff. No doubt that the Ex A1 was of the year 1960, where old survey number could be mentioned. Even the said old survey number was not mentioned in the plaint. Further the plaintiffs ought to have file documents to correlate the old survey number with the suit survey number. But there is no correlating document muchless oral evidence was adduced to show that the Ex A1 is in respect of the suit property alone. On this short ground itself it is unsafe to conclude that the plaintiffs have title to the suit property.

Other documents namely the death certificate of Sundaram and legal heir certificate of Sundaram, Ex A2 and A3 would not prove the title of the plaintiffs in respect of the suit property. No other documents produced to show that the plaintiffs muchless Mari had title to the suit property. Pw2 the independent witness who was only 45 years old deposed that about 50 years ago Mari and their sons orally partitioned the properties. It is unbelievable that a person of 45 years old was able to depose about the things happen about 50 years ago. So, the oral evidence of Pw2 also cannot be taken into consideration.

In summation there is nothing on record to show that Mari, the grandfather of the plaintiffs purchased the suit property under Ex A1. There is no material evidences placed before this court by the plaintiffs to show that the suit property owned by Mari, that Mari and his sons orally partitioned the properties, that suit property allotted to the share of Sundaram, the father of plaintiffs and that after his death it devolves upon the plaintiffs. At this juncture it is unsafe to conclude that the plaintiffs have title to the suit property. Hence this point is decided accordingly.

8. Point No.2:

“Whether the plaintiffs are in possession and enjoyment of the suit property?”

As plaintiffs fail to prove their title, it cannot be held that the plaintiffs are in possession and enjoyment of the suit property. Apart from there is no single document produced to show that the plaintiffs are in possession and enjoyment of the suit property. Plaintiffs can atleast produce the adangal extracts to show that they are in possession and enjoyment of the suit property. In the absence of any documentary evidence, it cannot be concluded that the plaintiff is in possession and enjoyment of the suit property. Hence this point is decided accordingly.

9. Point Nos 3 and 4:

“Whether the plaintiffs are entitled to the relief of declaration of their title to the suit property?”

“Whether the plaintiffs are entitled to the relief of permanent injunction restraining the defendants from interfering with their possession and enjoyment of the suit property?”

As held in above points, the plaintiffs are not entitled to the relief of declaration and injunction as sought for. Hence these points are decided accordingly.

10. Point no. 5:

“To what other relief the plaintiffs are entitled for?”

As the plaintiffs are not entitled to any relief as sought for, they are not entitled to any other reliefs including costs of the suit. Hence this point is decided accordingly.

11. Result:

In the result this suit is dismissed as devoid of merits. No costs.

Dictated by me to the steno-typist, typed by him directly and corrected and pronounced by me in the open court, this the 14th day of July, 2026.

Subordinate Judge,
Madurantakam.

Witnesses examined on the side of the Plaintiff:-

P.W.1: Malarvizhi (1st Plaintiff)

P.W.2: Ravi

Exhibits marked on the side of Plaintiff:-

Ex.A1	25.05.1960	Registration copy of Sale Deed executed by Periyasamy in favour of Mari.	True Copy
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Ex.A2	20.04.2015	Death Certificate of Sundaram.	Original
Ex.A3	24.05.2017	Legal Heir Certificate of Sundaram.	Original

Witnesses examined on the side of the Defendant:-

Nil

Exhibits marked on the side of Defendant :-

Nil

Subordinate Judge,
Madurantakam.

TNCG130001652025



FAIR/DRAFT JUDGEMENT
O.S No. 70/2025
D.O.D: 14.07.2026
SUB COURT
MADURANTAKAM