

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V.Devapriya, B.Sc., M.L.,

District Munsif, Madurantakam

Friday, the 5th day of January, 2024

I.A.No.9/2023

in

I.A.No.4/2023

in

O.S.No. 22/2023

1. The Block Development Officer,
Acharapakkam Panchyat Union
Acharapakkam
2. The Head Master, Panchayat Union Middle school,
Theetalam village, Madurantakam Taluk,
Chengalpattu District.
3. The Assistant Education officer,
Acharapakkam Panchayat Union,
Madurantakam Taluk,
Chengalpattu District.
4. The District Education officer, Elementary Education,
Chengalpattu .
5. The Tahsildhar, Taluk office, Madurantakam
6. The District Collector, Chengalpattu

...Petitioners/Respondents/Defendants

-vs-

1. P. Balasubramanian
2. P. Arumugam
3. R. Suresh
4. S. Geetha
5. R. Babu
6. V. Elumalai
7. Kannan
8. Murugan

...Respondents/Petitioners/Plaintiffs

This petition coming up before me on 6.12.2023 for final hearing in the presence of, Thiru V. Ranganathan, Pleader doing Government work, for Petitioners/Respondents/Defendants and Thiru. V. Selvakumar, counsel for the Respondents/Petitioners/Plaintiffs and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioners/Respondents/Defendants under Order VIII Rule 1-A (3) of Code of Civil Procedure, to receive the petition mentioned documents after condoning the delay in filing the same.

2.The averments stated in the petition in brief

The Respondents/Petitioners/Plaintiffs had filed the above suit for permanent injunction and also filed petition for temporary injunction and the same is posted for enquiry. The Petitioners/Respondents/Defendants has good case on merits and the petition mentioned documents are vital to prove their case. Hence the petition.

3. The averments stated in the Counter filed by the 1st Respondent/1st Petitioner/1st Plaintiff and adopted by Respondents 2 to 7/Petitioners 2 to 7/Plaintiffs 2 to 7 in brief:

This petition is not maintainable in law and on facts. The suit property was

originally natham and it is not in care and custody of the Respondents/Petitioners/Plaintiffs as ryotwari lands. The Respondents/Petitioners/Plaintiffs had filed the petition to grant interim injunction restraining the Petitioners/Respondents/Defendants from putting up any construction in the suit 'E' schedule property. The Government has granted patta for the suit 'A to C' schedule property in favour of the ancestors of Respondents/Petitioners/Plaintiffs. Now the patta for suit 'D' and 'E' schedule property were granted, after giving so many petition. Due to enmity with the Respondents/Petitioners/Plaintiffs, the Village President of Theetalam Village had passed proceeding in respect of suit 'E' schedule property, without the knowledge of Revenue Authorities. The Village President has no locustandi to pass any proceeding and hence the same is not maintainable. The natham properties is not registered with Government and the Taluk Tahsildhar alone is the authority to pass any proceeding in respect of allotment of property to the Government authorities.

4. In the present case, the Tahsildhar and District Collector had not passed any proceedings in respect of the suit survey numbers for allotment of the same to Petitioners/Respondents/Defendants. Therefore the 1st Petitioner/1st Respondent/1st Defendant has no locustandi to issue tender in respect of the suit 'E' schedule property. The tender does not contain the suit Survey number and there is no

building approval for the proposed construction by the Village President. Therefore the petition mentioned documents are not related to the suit properties and hence the same cannot be received. The Village President of Theetalam Village has no locustandi to issue the document No.9 and hence the same cannot be received. Hence this petition is liable to be dismissed with costs.

5. The point for determination is whether this petition is to be allowed or not?

6. No exhibits were marked and no witnesses were examined on both sides.

7. Heard both sides and perused the records.

8. The Petitioners/Respondents/Defendants had filed this petition to receive the petition mentioned documents. The Respondents/Petitioners/Plaintiffs resisted the petition stating that the documents are not related to the suit properties and further that it was not issued by competent authorities. The Petitioners/Respondents/Defendants had filed the true copies of the documents and this petition is filed merely to receive the documents. The objections raised by the Respondents/Petitioners/Plaintiffs can be decided only after trial. Hence in the interest of justice, this court is inclined to allow this petition.

9. In the result, this petition is allowed. No costs.

Dictated to the Stenographer and transcribed by him and corrected and pronounced by me in open court on this the 5th day of January, 2024.

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam