

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt.R.Mahalakshmi., B.A., B.,L.,
District Munsif, Madurantakam

Monday, the 3rd day of November, 2025

I.A.No.2/2025
in
O.S.No.57/2025

1. V.Jothi
2. B.Sathya

...Petitioners/Plaintiffs

-vs-

1. Valliammal
2. S.Agilan
3. Ezhilmathi
3rd defendant name was amended
as per order in I.A.No.4/2025 allowed
on 09.10.2025
4. Macikavellu

...Respondents/Defendants

This petition coming up before me for final hearing in the presence of, Tr.M.Tamilmaran, counsel for Petitioners and Tr.V.Agoram, counsel for 1st respondent and Tr.N.Ganapathy, counsel for 4th respondent 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 is filed by the petitioners/plaintiffs under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, for temporary injunction restraining the Respondents/Defendants, their men, agents and servants from in anyway disturbing the petitioner's peaceful possession and enjoyment over the suit property until they are evicted under due process of law.

2.The averments stated in the petition, in brief :

(i) The petitioners herein are the Plaintiff's in the suit and they filed the suit for the relief of permanent injunction. The petitioner states that the originally the suit property was leased out by one Shanmugam to Venkatesan i.e., husband of 1st

plaintiff and father of 2nd plaintiff from 24.12.1993 for the rent of Rs.500/- and lease is only for commercial purposes. Further the petitioner states that the said Venkatesan was running a hotel under the name and style of **Madurai Sri Muniyandi Vilas Hotel** by obtaining license and also paid tax receipts.

(ii) The plaintiff further states that after the death of Shanmugam his legal heirs namely Vishwanathan, Selvaganapathy, Manickavellu, Sarawathi and Umamageshwari partitioned the suit property by way of registered partition deed dated 03.09.2013 and as per partition deed the suit premises as 'C' Schedule was allotted to Selvaganapathy and 4th respondent. Further the petitioner states that the above said Selvaganapathy died in motor accident and his legal heirs the 1 to 3rd defendants permitted to continue the lease.

(iii) The petitioner further states that his husband Venkatesan died on 12.01.2017 and thereafter the lease was continued by his wife Jothi i.e., 1st petitioner and his daughter Sathya i.e., 2nd petitioner and the respondents also orally permitted to continue the lease and presently the petitioner paid the rent of Rs.21,000/- and as per the instruction of 1 to 3rd respondents rent paid to the 4th respondent Manickavellu, through Gpay. The petitioner further states that the tenant and landlord relationship is orally admitted by the respondents and the petitioner is paying water tax and property tax regularly.

(iv) The petitioner further states that there are other 4 shops in the building and the 4th respondent has threatened through phone call that the entire tenants has to be vacated before 09.08.2025 on the ground that he has to demolish the building. Further the petitioner states that as the 4th respondent is very powerful in men and highly influenced with money they gave a police complaint on 04.08.2025 before Madurantakam police station. Hence the present petition is filed for temporary injunction restraining the Respondents, their men, agents and servants from in anyway disturb and the petitioner's peaceful possession and enjoyment over the suit property until they are evicted under due process of law.

3. Written statement treated as Counter filed by the 1st respondent and adopted by 2 and 3 respondents, in brief:

- (i) This petition is not maintainable in law and on facts. The Respondent denies the entire allegations in the affidavit petition as false except those that are specifically admitted herein. The averments in the affidavit are false.
- (ii) The respondents states that the petitioner has no locus standi to file the suit. The respondent denying that the petitioner is not a tenant and there is no register tenancy agreement between the petitioners and respondents. Even if it is assumed that the petitioner is the tenant as per the Tamil Nadu Regulations Rights and Responsibilities of the Tenancy Act, 2017, if the tenancy is not registered after passing this act it should have been registered within 583 days. Hence the petitioner cannot seek for injunction.
- (iii) Further the respondents states that the petitioner has not produced any tenancy agreement and further that the agreement is between one Shanmugam and Venkatesan. Even before March 2024, one Kannan has occupied the suit property with the permission of the respondent and he paid rent for this use and occupation. The petitioner were not in possession and enjoyment of the building . Further the building is very old one and the said Kannan vacated the building during February 2024.
- (iv) The respondents/defendants further states that there are there other person who used the building were also vacated. The respondent states that he is making arrangements to construct new building and obtained permission to demolish the old building and constructing new building from the municipality. The petitioner cannot claim possession over the suit property based on the rental agreement between Shanmugam and Venkatesan. The respondent further states no injunction could be granted against true owner.
- (v) Further the petitioner has not produced any document to show her possession. The averments of the petitioner stated that she is a landlord in the building is not true. If there is hotel the petitioner might have filed professional tax and Food safety license certificate and Health and Trade license but the said documents was not filed

by the petitioner to show that she is running a hotel. Further the respondent states that the total extent of the building is 1800 sq.ft. The other person who occupied the building were vacated. Therefore the petitioner cannot file the suit for entire building. The respondents further states that there are taking steps to demolish the building and making arrangements to construct the buildings. Hence the petition is liable to dismissed with costs.

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

5. On the side of the Petitioner/Plaintiff, Exhibits P-1 to P-9 were marked and on the side of the Respondents, Exhibits R1 to R4 were marked and no witnesses were examined on both sides.

6. The learned counsel for the Petitioner submitted that the suit property was originally leased by the defendant's father to the plaintiff's husband Venkatesan and and the petitioner are running of hotel in the name of **Madurai Sri Muniyandi Vilas Hotel**. The petitioner had paid a rent of Rs.21,000/- to the building regularly through Gpay and the receipts also filed. The learned counsel further argued that tenancy is entered orally and the same was admitted by the respondents also. The learned counsel contended that the respondents are trying to evict the petitioner's and the 4th respondent threatening the petitioner through phone call. The learned counsel further submitted that the 1st petitioner gave a complaint before the Madurantakam Police Station on 04.08.2025 against the 4th respondent. Hence the present petition filed for the relief of temporary injunction.

7. The learned counsel for the respondent admitted that originally the petitioner husband is tenant who their father. The learned counsel for the respondent submitted that as per Tamil Nadu Regulations Rights and Responsibilities of the Tenancy Act, 2017. The tenant has registered rental agreement after commencement of the act within 583 days. The learned counsel contended that the petitioner has not proved that she is a tenant to the respondent. Further the learned counsel contended that if they are running hotel the petitioner ought to have paid professional tax, GST bills. The petitioner had not produced any such documents to prove her possession. Further the learned counsel submitted that the petitioner has filed the suit for a entire

extent of the building. But the petitioner shop is the one of the portion in the said building and therefore injunction cannot be granted for the entire extent of the building. Further the learned counsel submitted that the respondents are the owner of the building and the building is very old and dilapidated condition. Hence the respondents making arrangement to demolish the building and constructed new building. Therefore the respondents are in need of their building. Hence the petition has to be dismissed.

8. The learned for the respondents relied on the judgments of *Honourable High Court of Judicature at Madras, in V.Harikrishnan Vs. S.Sarulatha, C.M.P.No.22639/2024 dated 15.11.2024, Honourable High Court of Judicature at Madras, in S.R.Venktesh Vs. B.Jayakumar rep. By Power agent C.Rajiv Jayakumar, C.M.P.No.13631/2022 dated 11.10.2022 and Honourable High Court of Judicature at Madras, in J.Thennarasu Vs. Anita Nalliah C.R.P.(PD) No.2532/2021 dated 05.08.2022.*

9. Heard both sides and perused the records.

10. On perusal of records, it reveals that the petitioner/plaintiff filed the suit for the relief of permanent injunction not to evict the petitioner/plaintiff except under due process of law against the defendants. The petitioner alleged that originally 1st petitioner's husband and respondents father entered into tenancy agreement (ExP1) and he was running a hotel under the name and style of **Madurai Sri Muniyandi Vilas Hotel** by obtaining license and also paid tax receipts. The petitioner further alleged that after the death of her husband the petitioner's are running the hotel on the oral consent of the respondents herein and presently paying a rent of Rs.21,000 /- to the 4th defendant which is evident from (Ex P5 to P8). The petitioner further alleged that the 4th respondent is threatening the petitioner over phone to vacate the building before 09.08.2025 on the ground that he has to demolish the building and hence the petitioner lodged a police complaint on 04.08.2025 before Madurantakam Police station which is evident from (Ex P9).

11. The only contention of the respondents/defendants is that there is no tenancy agreement between the petitioner and respondents and the petitioner are not in

possession and enjoyment of the suit premises. Further the respondents alleged that the building is an old one with dilapidated condition and they are taking steps to construct the new building by demolish the old building and obtained permission (Ex R1).

12. It is admitted by both parties that originally unregistered tenancy agreement dated 24.12.1993 was entered between plaintiff's husband one Venkatesan and defendant's father Shanmugham which is also evident from Ex P1. Further the petitioner has also not denied the title of the respondents wherein it reveals from Ex P2, partition deed dated 03.09.2003, the family partition was entered between defendant's family and by virtue of the said partition the suit properties was allotted to 1 to 3 defendant's father Selvaganapathy and 4th defendant Manickavellu.

13. At this juncture this court considers that the relief sought by the petitioner merely reiterates the settled legal position that no person can be evicted except in accordance with law. Though the learned counsel for the respondents denies the tenancy of the petitioner it is trite in law that even a person in unlawful possession is also entitled to protection from unlawful dispossession. Further the judgments relied on by the respondents counsel does not squarely apply to the facts of the present petition. Further it reveals that the respondents has not taken any legal steps to evict the petitioner. The respondents has not produced any documents to show that they have initiated any lawful eviction. Further the petitioner had alleged that the 4th respondent is threatening the petitioner and consequently they preferred police complaint which is evident from Ex P9.

14. Therefore it is evident that the petitioner has shown prima facie case in their favour and irreparable loss will be caused if injunction is refused. Further the relief sought by the petitioner is very limited to prevent unlawful interference with the possession. Hence to maintain the status quo and to prevent unlawful dispossession this court finds it just and proper to grant a temporary injunction to the petitioner's on a condition that the petitioner has to dispose the suit within a period of two months and commence the trial within two weeks.

15. In the result the petition is allowed and the respondents/defendants their men, agents and servants subordinates are restrained by means of granting temporary injunction from any way disturbing with the petitioner/plaintiff's peaceful possession and enjoyment of the suit properties, except under due process of law.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 3rd day of November, 2025

Sd/-R.Mahalakshmi

District Munsif
Madurantakam

Petitioners side documents:

- Ex P1 - Rental agreement dated 24.12.1993 (original)
- Ex P2 - Certified copy of partition deed dated 03.09.2003
- Ex P3 - Notice issued by the Commercial tax Officer dated 06.06.2011 (original)
- Ex P4 - Death Certificate of Venkatesan dated 09.03.2017 (original)
- Ex P5 - Property tax Receipts (41 nos.) (original)
- Ex P6 - EB Receipts (8 nos.) (original)
- Ex P7- Copy of Rental payment receipts (28 nos.)
- Ex P8- Photos (8 nos.) along with CD
- Ex P9- Copy of police complaint dated 04.08.2025

Respondents side documents:

- Ex R1 - Online copy of Building Permit order dated 06.05.2025
- Ex R2 - Letter to 4th defendant from Sathiyaseelan dated 01.08.2025
- Ex R3 - Copy of Rental payment receipts (34 nos.)
- Ex R4 - Photos (4 nos.) along with CD

Both side witnesses:

NIL

Sd/-R.Mahalakshmi

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