

IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 24th day of March, 2026

O.S.No.249/2012

CNR No.TNCG14-000-086-2012

1. Panneerselvam

2. Kumar

3. Raghu (died)

(3rd plaintiff died memo was recorded on
02.08.2022 and amended as per order in
I.A.No.4/2022 which was allowed on
26.10.2022)

4. Vimala

5. Mageswari

6. Baskar

7. Elangovan

8. Renuga

9. Girija

10.Pushpa

...Plaintiffs

Vs.

1. Ramadoss

2. Krishnan

3. Sathiya

4. Kuppan

5. Panchappan

6. Saroja (died)

7. Parameswari

8. Anusuya

9. Amudavalli

(6th defendant died the proposed defendants
7 to 9 are impleaded in I.A.No.2/2022 was
allowed and amended as per order in
I.A.No.6/2024 which was allowed on
19.08.2024)

...Defendants

This suit is coming up for final hearing before me in the presence of

Tr.M.Pugalenty, Advocate for Plaintiff and Tr.S.Subramanian, Advocate for 1, 3 to 5 defendants and the defendants 2, 7, 8 and 9 having been called absent and remained set exparte and the 6th defendant having been died and after hearing the arguments on both sides and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

JUDGMENT

The suit is filed by the Plaintiff for the relief of declaration of title and recovery of possession with respect to suit property and for mandatory injunction directing the 1st defendant to remove the house put up in the suit property and for permanent injunction restraining the defendants, their men, agents, from anyway putting at new construction in the suit property and for costs.

2. The brief averments in the amended plaint:-

(i) The plaintiff states that the suit schedule property originally belongs to one T.Mari and old settlement register stands in his name. The said Mari died leaving behind Adhimoolam as his only legal heirs, who also died leaving behind his sons namely Munusamy and Ramachandran as his only legal heirs. Thereafter the said Munusamy also died leaving behind Panneer Selvam, Kumar, Raghu, Vimala and Mageshwari i.e., 1 to 5 plaintiffs herein as the only legal heirs. Further the aforesaid Ramachandran also died leaving behind Bhaskar, Elangovan, Renuga, Girija and Pushpa as his legal heirs i.e., 6 to 10 plaintiffs herein.

(ii) Further the plaintiff states that after the death of Mari, Patta has been transferred in the name of Adhimoolam and further patta pass book also issued in the name of Adhimoolam. Therefore after the life time of Adhimoolam his sons Munusamy was in possession and enjoyment of the suit property and after the death of Munusamy the plaintiffs were in possession and enjoyment of the suit property.

(iii) The plaintiff further states that as all of them left to Chennai to earning for their livelihood, taking advantage of the same one Logaiya Naidu created documents in

favour of local panchayat for an extent of 2 cents in the suit survey number and thereafter the local panchayat dug a well for public purpose and hence the plaintiff did not claimed any right over the said property. The remaining portion of property which is mentioned as suit schedule was owned by the plaintiff.

(iv) Further the plaintiff states that during Natham survey scheme the survey number 46/7 was sub divided as S.Nos.46/7A, 46/7B, 46/7C, 46/7D, 46/7E, 46/7F and 46/7G. The plaintiff further states that the Tahsildar has no power to grant Patta for dry land and the 1st defendant constructed the house in S.No.46/7D in the year 2011. Further the others defendants also attempting to put up construction in the suit property. Hence the present suit is filed.

3. Written statement filed by the Defendants 1, 3 to 6, are as follows:

(i) The Defendants denies each and every averments in the plaint except those that are specifically admitted herein. This suit is not maintainable in law and facts. The averments in the plaint are false.

(ii) These defendants denies the allegations of the plaintiff that Adhimoolam is the only son of T.Mari. The defendants states that Adhimoolam had four brothers. Further the plaintiff are not in possession of the suit property at any point of time. The defendants states that they are in possession and enjoyment of the property in S.Nos.46/7A, 46/7B, 46/7C, 46/7D, 46/7E, 46/7F and 46/7G and further property in S.No.46/7F was own possessed about the panchayat board.

(iii) The defendant further states that one Krishnan sold the property in S.No.46/7C to Kalaimani vide sale deed dated 07.06.2010 and from the date of purchase she is in possession and enjoyment of the suit property. But the said Kalaimani was not impleaded as a party to the suit. Hence the suit is liable to be dismissed for non-joinder of necessary parties. The defendants further states that the property in S.No.46/7D belongs to one Munusamy and after his death of his legal heirs namely Ramadoss, Moorthy, Parvathi and Thilagam enjoyed the said property. Similarly S.No.46/7E

belongs to one Amirthammal and after his death of his legal heirs namely Saroja and Chandra enjoyed the said property. Further the property in S.No.46/7A belongs to one Dhanapal and after his death of his brothers Kuppan and Kalidoss enjoyed the said property. Therefore the suit is bad for non-joinder of necessary parties. And further the property in S.No.46/7B belongs to one Panchappan. The plaintiff are not in possession, the defendants and their predecessors are in possession and enjoyment of the said property and hence they have prescribed title by way of adverse possession. Further the defendant states that the suit property is a house site and worth about of Rs.30,000/- and therefore the plaintiff has not properly valued the suit property and not paid proper court fee. Hence this court has no pecuniary jurisdiction to try the suit and hence the suit is liable to be dismissed.

4. On perusal of pleadings and documents, the following issues were framed.
- 1. Whether the suit scheduled property is in possession only by the defendants 1 to 6 are in possession of Kalaimani, Lrs of Munusamy, Amirthammal, Chandra and hence the suit is hit by non-joinder of necessary parties?**
 - 2. The plaintiff has better title over the suit scheduled property as not?**
 - 3. Whether the plaintiff title can be declared over the suit property or not?**
 - 4. Whether the plaintiff is entitled for mandatory injunction and recovery of possession of suit scheduled property?**
 - 5. Whether the plaintiff is entitled for permanent injunction restraining the defendant to put up new construction in the suit property as sought for?**
 - 6. To what other relief, the plaintiff is the entitled for?**
5. For the sake and convenience of this court the above issues already framed by this court, are re-casted as follows:
- 1. Whether the plaintiffs have right and title over the suit schedule property?**
 - 2. Whether the plaintiff is entitled for the relief of declaration of title and**

recovery of possession?

3. Whether the suit is bad for non joinder of necessary parties?

4. Whether the plaintiff is entitled for the relief of mandatory injunction as prayed for?

5. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

6. To what other reliefs, the Plaintiff is entitled for?

6. On the Plaintiffs side, PW1 and PW2 were examined and Exhibits A1 to A6 were marked. On the side of Defendant, DW1 to DW3 were examined and Exhibits B-1 to B-10 were marked.

7. Heard both sides and perused the records.

8. **Issue Nos.1 and 2:-**

1. Whether the plaintiffs have right and title over the suit schedule property?

2. Whether the plaintiff is entitled for the relief of declaration of title and recovery of possession?

(i) The specific case of the plaintiff is that the suit schedule property originally belongs to their great grandfather T.Mari who obtained SLR patta No.118 (Ex A1) in his name. The plaintiff alleged after the death of Mari his only son Adhimoolam enjoyed the suit property and patta has been transferred in the name of Adhimoolam and patta pass book was also issued in his name (Ex A2). But contrary to his pleadings PW1 in his cross examination admitted that there are other legal heirs to Mari and they were not impleaded as parties in the suit as they did not know the name of other legal heirs. Even the learned counsel for the defendant draw attention of the court with respect to the evidence of PW1.

(ii) The learned counsel for the plaintiff reiterated the facts of the case and submitted that out of 12 cents of suit property 2 cents was taken by the local panchayat for public purpose. Further the learned counsel contended that the Tahsildar has no right to

subdivide the survey number and grant patta to the defendants. The learned counsel further submitted that there is no explanation from the defendants, that how they acquired the suit property.

(iii) The plaintiff further alleged that after the death of Adhimoolam his sons Munusamy and Ramachandran enjoyed the suit property. Thereafter the said Munusamy died leaving behind the plaintiffs 1 to 5 herein as his legal heirs. And the said Ramachandran also died leaving behind the plaintiffs 6 to 10 as his legal heirs. Therefore the plaintiffs herein are in absolute possession and enjoyment of the suit schedule property. But the plaintiff's has not produced any documents to show the present possession and enjoyment of the suit property. Though the plaintiff contended that the suit property is subdivided into various subdivision S.Nos.46/7A, 46/7B, 46/7C, 46/7D, 46/7E, 46/7F and 46/7G and tahsildar granted patta to the defendants and taking advantage of the said patta the 1st defendant constructed house in S.No.46/7D in the year 2011, the said allegations is not believable and acceptable as plaintiff has no convincing explanation that how he was excluded from granting patta and how he has alleged title after subdivision and even PW1 in his cross examination admitted that during UDR scheme Patta was not granted to them and further Patta was granted to one Lokaiya Naidu and they never objected.

(iv) And further it also reveals from the evidence of PW1 that he admitted that survey number 46/7 was subdivided into S.No.46/7A to 46/7F and allotted to five persons and there is common well. Though the plaintiff claiming their title through their great grandfather Mari and rest their case Ex A1 SLR Patta, wherein it reveals that the suit property in S.No.46/7 was subdivided as S.No.46/7F, but the plaintiff has not alleged the correct particulars of suit property and further relied on Ex A2 patta pass book stands in the plaintiff's grandfather Adhimoolam for the property in S.No.46/7 measuring an extent of 12 cents but the date when it was issued was not found and no explanation on the side of the plaintiff that what happen to the other legal heirs of Mari. Even the

learned counsel for the defendant contended that in Ex A2 the father name of Adhimoolam was not mentioned. Further the learned counsel contended that the village number in Ex A2 and Ex A1 differs. Therefore this court considers that the inconsistencies in Ex A1 and Ex A2 creates doubt in the mind of court and affects the authenticity and evidentiary value of the documents. As such Ex A1 and Ex A2 cannot be safely relied to prove title of the plaintiff.

(v) Even on perusal of Ex A3 Adangal for the suit property it reveals that the for the fasali year 1377, 1381, 1386, 1389, 1383 and 1390 the suit survey number stand in the name of Adhimoolam. But for the fasali year 1391, 1392 and 1395 suit property stands in the name of Logaiya Naidu. Therefore it is evident that after 1981 the Adangal stands in the name of Logaiya Naidu. Even PW1 admitted in his cross examination that, “1992 ம் ஆண்டு தாவா சொத்தினை கிராம நத்தம் பட்டாக்களாக பிரித்து கொடுக்கப்பட்ட சமயத்தில் நானும் எனது பங்காளிகளும் எந்தவிதமான ஆட்சேபனையும் செய்யவில்லை என்றால் அப்போது எங்களுக்கு அந்த விவரம் தெரியாது”. The learned counsel for the defendant reiterated the above facts that adangal after fasali year 1392 stands in the name of Logaiya Naidu.

(vi) Therefore at the outset it is evident that except revenue records the plaintiff has not produced any relevant documents stands in the name of their predecessor to substantiate their case. It is to be noted that Patta, Adangal and other revenue records primarily shows some evidentiary value with regard to possession they do not themselves confer or establish title unless supported by cogent title deeds. It is well settled that patta is only revenue records and does not confer title. Hence merely production of revenue records cannot be constructed as the proof of ownership. Even the learned counsel for the defendant submitted that the plaintiff has not produced any title documents to prove the title of the plaintiffs’ predecessor.

(vii) On contrary the defendant relied on Ex B1 to Ex B7 wherein Ex B1 to Ex B5 is the online patta which shows that the property in S.No.46/7 as divided into 46/7A which

stands in the name of one Logaiya Naidu and Danapal and property in S.No.46/7B which stands in the name of one Logaiya Naidu and 5th defendant i.e., Panchappan and property in S.No.46/7C which stands in the name of one Logaiya Naidu and 2nd defendant i.e., Krishnan and property in S.No.46/7D which stands in the name of one Logaiya Naidu and Munusamy and S.No.46/7E which stands in the name of one Logaiya Naidu and Amirthammal. The same is substantiated by PW1 in his cross examination that survey number 46/7 was subdivided into S.No.46/7A to 46/7F and allotted to five persons and there is common well.

(viii) Therefore it is apparent through Ex B1 to Ex B5 that the original S.No.46/7 has been subdivided and separate patta has been issued infavour of the defendants. But it also reveals that the plaintiff neither challenged the said subdivision of Patta nor sought for cancellation of Patta which is evident from the evidence of PW1. Though Pw1 in his cross examination deposed that they made representation to RDO which is not supported by any documents to show that they challenged the subdivision before the competent authority.

(ix) Therefore it is settled law that in a suit for declaration of title the burden lies heavily upon the plaintiff to establish his title by producing clear and convincing evidence. The plaintiff must succeed on the strength of his own case and not on the weakness of the defendant's case. Hence in view of the above discussion it reveals that the plaintiff has not produced any title documents to substantiate their case and further Pw1 himself admitted that 1st defendant constructed house in survey number 46/7D in the year 2000 and Pw1 is residing in S.No.46/6 adjacent to the suit property, therefore this court concludes that as plaintiff failed to establish his title to the suit property consequentially the relief of recovery of possession being consequential in nature cannot be granted in the absence of proof of title. Thus these issues are answered against the plaintiff.

9. Issue No.3:

3. Whether the suit is bad for non joinder of necessary parties?

The defendant alleged that certain subsequent purchasers and legal heirs of defendants were not added as parties to the suit and hence the suit is bad for non-joinder of necessary parties. To substantiate the same Pw1 in his evidence admitted that for property in S.No.46/7B Patta was granted to the Munusamy and after the death of Munusamy his legal heirs namely Ramdoss, Moorthy, Parvathy and Thilagam were not joined as parties to the suit. Further the defendant alleged that the property in S.No.46/7C which belongs to the 2nd defendant was sold to one Kalaimani by way of sale deed dated 07.06.2010 and hence the said Kalaimani is also a necessary party to the suit. Hence the suit is bad for non-joinder of necessary parties.

(ii) Therefore it reveals that in the present case the plaintiff has chosen to file the suit against the present defendants without adding all the legal heirs of the one Munusamy and subsequent purchaser kalaimani. Therefore as per order 1 rule 10(2) of CPC a necessary party is one without whom no effective decree can be passed and whose presence is essential for complete and final adjudication. In the present case when the plaintiff sought the relief of declaration of title and recovery of possession all persons who are in possession of the suit property and claiming interest are necessary parties and no effective decree can be passed in their absence. Hence in view of the above discussion this court concludes that the suit is bad for non joinder of necessary parties. Thus this issue is answered against the plaintiff.

10. Issue Nos.4 and 5:

4. Whether the plaintiff is entitled for the relief of mandatory injunction as prayed for?

5. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

As issue No.1 and 2 were elaborately discussed supra that the plaintiff failed to

establish his title to the suit property consequentially the relief of recovery of possession being consequential in nature cannot be granted in the absence of proof of title these issues which are consequential are also answered against the plaintiff.

11. Issue No.6:-

6. To what other reliefs, the Plaintiff is entitled for?

The plaintiff is not entitled to any other reliefs and no costs.

12. In the result, the suit is dismissed. No costs.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 24th day of March, 2026

District Munsif
Madurantakam

Plaintiff Side Witness:-

PW1- Kumar
PW2- Saravanan

Plaintiff side Documents:-

Ex. A1- Certified copy of settlement register
Ex. A2- Patta pass book (original)
Ex. A3- Certified copy of Adangal
Ex. A4- Office copy of advocate notice dated 15.09.2011
Ex. A5- Original Reply notice dated 22.09.2011
Ex. A6- Computerized encumbrance certificate

Defendant side Witness:-

DW1- Ramadoss
DW2- Panchappan
DW3- Amudhavalli

Defendant side Documents:-

- Ex. B1- Computerized patta no.122 dated 19.09.2025
- Ex. B2- Computerized patta no.123 dated 19.09.2025
- Ex. B3- Computerized patta no.124 dated 19.09.2025
- Ex. B4- Computerized patta no.125 dated 19.09.2025
- Ex. B5- Computerized patta no.126 dated 19.09.2025
- Ex. B6- House tax receipts (22 nos.) (original)
- Ex. B7- Water tax receipt dated 18.09.2021 (original)

District Munsif
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