

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
CHEYUR

Present: Tmt. C.M. Amaravathi, M.L.,

District Munsif-cum-Judicial Magistrate,

Cheyyur.

Saturday, the 6th day of June 2026

I.A.No.219/2021

in

O.S.No.44/2021

...

Mrs. K.S. Manjula., W/o. Mr. Gajendran
representing her G.P.A. Mr. K. Thirisanku, S/o. Kannan.

...Petitioner/Plaintiff..

//Vs//

1. Mr. T. Saravanan
2. The Block Development Officer (V.P)
Lathur Panchayat Union,
Chengalpet District.
3. The Tahsildar, Cheyyur Taluk, Chengalpet District.
4. The District Collector, Chengalpet District.

...Respondents/ Defendants.

This Petition coming before me on 08.04.2026 for final hearing in the presence of Mr. G. Amulraj, Mr. M. Jegan, learned Counsels for the Petitioner/Plaintiff and of Mr. A. Yogeswaran, Tmt. S. Revathi, learned counsels for the 1st Respondent/ 1st Defendant and Mr. R. Santhoshkumar Government Pleader, counsels for the 3 and 4th Respondents/Defendants. Upon perusal of documents and hearing arguments on Petitioner side and having stood over for consideration till this date, this court delivers the following.

ORDER

1. The petitioner has filed this petition under Order 39 Rule 1 and 2 r/w. Section 151 of C.P.C to grant ad Interim injunction restraining the Respondents/Defendants their man or their agents and the persons not to put up any further construction in respect of the 'B' Schedule property by the plaintiffs, till disposal of the suit.

2. The averments in affidavit along with petition in brief:

2.1. The petitioner submitted that the petitioner being the General Power of Attorney holder of the Principal Plaintiff, states that the plaintiff is the absolute owner and possessor of the suit schedule 'A' property measuring 24 cents in Old Survey No.186/1A3 and New Survey No.186/1A3A, Koovathur Village, Cheyyur Taluk, Chengalpattu District. The property was originally purchased by the plaintiff's vendor and later conveyed to the plaintiff through a registered sale deed dated 02.07.2020 vide document No.1134/2020 on the file of SRO Cheyyur. Since purchase, the plaintiff has been in peaceful possession and enjoyment of the property and has been paying all relevant taxes.

2.2. As the plaintiff resides in Chennai, the petitioner executed a General Power of Attorney on 08.04.2021 the petitioner favour vide Document No. 60/2021 on the file of SRO Cheyyur, authorizing the petitioner to manage the property. The only access to the A schedule property is through the 'B' Schedule property, a 30-feet Panchayat road situated on its western side. The 'B' Schedule property was dedicated for public use under a settlement deed dated 14.09.2009 vide document No. 2668/2009 on the file of SRO, Cheyyur and has since been maintained by the local authority. The plaintiff and her predecessors have continuously used this road as access to the suit property.

2.3. The petitioner further submits that the 1st defendant has no right, title or interest over the 'B' Schedule property. On 13.04.2021, the 1st Defendant, along with his associates, attempted to encroach upon the 'B' Schedule property by constructing a compound wall, obstructing access to the 'A' Schedule property and attempting to occupy the public road. These unlawful acts were resisted by the plaintiff and local villagers, causing the defendants to temporarily withdraw while threatening to return.

2.4. A complaint was immediately lodged before Koovathur Police Station and registered as CSR No.63/2021. Complaints were also submitted to the Panchayat and Revenue authorities seeking removal of the encroachment and protection of the public road. Despite these representation, effective action was not taken. Taking

Advantage of the inaction of the authorities, the 1st defendant resumed the illegal construction on 26.04.2021 and completed a compound wall and pillars on the 'B' Schedule property, thereby obstructing access and interfering with the plaintiff's peaceful enjoyment of the property. The police advised the petitioner to seek relief before the civil court as the dispute involved civil rights.

2.5. The petitioner further submits that no alternative remedy is available except approaching the Court for permanent and mandatory injunction. Unless restrained, the 1st defendant will continue the illegal encroachment, causing irreparable loss and hardship to the plaintiff. Hence this petition.

3. The averments in counter as adopted in written statement in brief of 1st Respondent/ 1st Defendant:

3.1. The 1st Respondent/ 1st Defendant submitted that the 1st Defendant contends that the petition is baseless, false and not maintainable in law or on facts. The allegations that he attempted to encroach upon the property, block the petitioner's access, or carry out illegal construction on 13.04.2021 and 26.04.2021 are completely denied.

3.2. The 1st defendant states that the 1st defendant is a building contractor engaged by the owners of "Professor Colony" situated in S.No.184/2A1, 186/2B, 193/1, 2A, 2B1, 194/1A, 1B, 2A, 2B, 195/1 & 2 to an extent of 4.90 cents layout. According to him, the 1st defendant entered into an agreement with the layout owners on 15.12.2020 to construct a compound wall around the layout. The 1st defendant alleges that on 06.03.2021, the plaintiff and the petitioner associates threatened him and his workers and demanded that the construction work be stopped. On 06.03.2021, 04.04.2021 and 13.04.2021 plaintiff with others came and threatened.

3.3. The 1st Defendant further alleges that on 15.04.2021, the plaintiff's associates unlawfully entered the layout, damaged the compound wall, and threatened him, leading him to file a police complaint on 23.04.2021. The 1st Defendant maintains that he never blocked any common pathway or obstructed access to the plaintiff's property. The 1st defendant states that the compound wall was constructed

solely for the security and protection of the layout owners. The 1st defendant alleges that the plaintiff is attempting to annex a portion of the layout land to her own property. The 1st defendant contends that the plaintiff is not entitled to the reliefs of permanent injunction or mandatory injunction. Therefore, the 1st defendant prays that this court dismiss the petition with exemplary costs, as it has no merit.

4. The averments in counter as adopted in written statement in brief of 2 to 3 Respondents /2 to 3 Defendants :-

The Defendants contended that the suit is not maintainable either in law or on facts and denied all allegations except those specifically admitted. They admitted that the disputed pathway is a public/common pathway maintained by the Village Panchayat. After inspection of the suit property on 25.04.2022, they found that the compound wall and iron gates were constructed within the layout without obstructing the common pathway. According to them, there is no obstruction to the 'B' Schedule pathway and the 1st defendant has not encroached upon or blocked the public road. The layout owners constructed the compound wall only for security purposes. Therefore, the plaintiff is not entitled to the relief of mandatory injunction for removal of the compound wall. The defendants further stated that any future obstruction in the common pathway would be removed and that the suit is liable to be dismissed for want of notice under Section 80 (2) of C.P.C and for lack of merit.

5. EVIDENCE:

The Petitioner has marked Ex.P1 to Ex.P11 on his behalf. No oral evidence has been let in by the Petitioner. Defendant side no evidence and no exhibits marked and Ex.C1 to EX.C4 has been marked.

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

7. Discussion and Findings:-

7.1. Heard both sides and perused the records. The Petitioner/Plaintiff had filed this petition for interim injunction restraining the 1st Respondent/ 1st Defendant their man or their agents and the persons not to put up any further construction in respect of the 'B' Schedule property by the plaintiffs, till disposal of the suit.

7.2. On a perusal of the records, it is seen that the property originally belonged to the petitioner. Ex.P1 prima facie discloses the same. The petitioner purchased the suit property from one Mahendran by virtue of a registered Sale Deed dated 01.07.2020 for a sale consideration of Rs.6,43,200/-. The said sale deed relates to an extent of 0.18.0 hectare (or acre, as the case may be) in Survey No.186/1A3, out of the larger extent comprised in the said survey field. Thus, Ex.P1 prima facie establishes the petitioner's title and possession over the property in question. Accordingly, this Court is satisfied that the petitioner has made out a prima facie case for the relief sought in the present petition. A perusal of Ex.B2 reveals that, in respect of the 'B' Schedule property, a Gift Deed dated 14.09.2009 bearing Document No.2668/2009 was executed by Sudeep Reddy S/o. Vijayasena Reddy, in favour of the President of Koovathur Village Panchayat for public purposes. The recitals in Ex.B2 disclose that an extent of 30 feet wide road, together with roads and park measuring a total extent of 75,765 sq.ft., was dedicated to the Panchayat for the use and benefit of the general public.

7.3. Thus, the said document prima facie indicates that the roads and park areas were earmarked for public use and were handed over to the Village Panchayat. Ex.P5 prima facie discloses that Patta No.1615 relating to Survey No.186/1A3A, measuring a total extent of 0.9.70 hectares, stands in the name of the petitioner. Further, Exs.P6 to P11 reveal that the petitioner and other persons had submitted various complaints to the concerned authorities alleging interference with and disturbance of the 'B' Schedule property. The said documents prima facie indicate the existence of a dispute concerning the possession and enjoyment of the 'B' Schedule property.

7.4. In 2nd and 3rd Respondent in counter they admitted that, the B Schedule property is a common pathway. The 2nd and 3rd Respondents further stated that, any future obstruction in the common pathway it would be removed. The alleged pathway in B Schedule property and it being the only access to the A Schedule property. From Ex.C1 to Ex.C4 this court finds that it is quite evident that the Advocate Commissioner has clearly reported that the B schedule property is the only

way to access the A schedule property. This court is of the considered view that the existence of the pathway and the usage have to be decided only on completion of trial. For the limited purpose of this petition, it would suffice to identify if there is a prima facie case, balance of convenience in favour of the petitioners and if any irreparable loss would be caused.

7.5. Now, the only aspect for consideration is whether the Respondents can disturb the Petitioner's possession due to the pathway in question. This Court is of the considered view that except for the pathway, there is no dispute regarding the ownership and possession in the suit property and the Respondents cannot disturb the same. This court opines that the petitioner has prima facie established his case. With regard to the balance of convenience, except for the pathway the Respondents cannot in any manner disturb the petitioner's possession in the suit property as prima facie established from Ex.C1. Exhibits C2 to C4 Photograph also prove that the wall construction was raised in the B- Schedule property. In order to substantiate, the petitioner's case the petitioner has produced copies of complainant submitted by a village resident to the Tahsildar on 21.04.2021 and 22.04.2021. The petitioner also produced a complaint dated 25.04.2021 wherein objection was raised regarding the construction of a wall in the 'B' Schedule property.

7.6. For the purpose of this petition, the limited aspect to be identified for this Court is if there is a prima facie case and balance of convenience is in favour of the Petitioner/Plaintiff and the irreparable loss would be caused to him. It is a well established principle of law that the possession of a true owner cannot be disturbed without a legal sanction. In the instant case, the Petitioner/Plaintiff has prima facie established he is the true owner and in possession of the suit property. However, there is no prima facie evidence on record to establish the alleged possession of the respondents.

7.7. In light of the above discussions, this Court is of the considered view that through Ex.P1 to P11 the Petitioner has prima facie established his possession in the suit property. This Court is of the considered view that the Petitioner having prima

facie established that he is the true owner of the schedule properties and no person is permitted to interfere with his possession without due process of law. Therefore, this court is of the considered view that if the possession of the Petitioner is interfered, it may cause irreparable loss and hardship to him which may not be compensable in terms of money alone. Hence, this Court finds that there is a balance of convenience and prima facie case in favour of the Petitioner/Plaintiff. Therefore, in the interest of justice, this Court is inclined to allow this petition.

7.8. Considering the nature of the petition, the relationship between the parties and the relief sought for, this Court is of the considered view that the parties shall bear their own costs.

8. In the result, this petition is allowed and ad Interim Injunctions is granted in favour of the petitioner restraining the 1st Respondent/ 1st Defendant their man or their agents and the persons not to put up any further construction in respect of the “B” Schedule property by the petitioners, till the disposal of the suit. No costs.

Dictated to the Steno typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open Court this the 6th day of June 2026.

District Munsif-cum-Judicial Magistrate,
Cheyyur.

PETITIONER SIDE WITNESSES :- - NIL -

PETITIONER SIDE EXHIBITS:-

Ex.P1	02.07.2020	Sale deed infavour of the petitioner	Certified copy
Ex.P2	14.09.2009	Settlement deed in favour of the President Koovathur Village Panchayat	Certified copy
Ex.P3	08.04.2021	General Power of Attorney in favour of the K. Thirisangu.	Certified copy
Ex.P4	-	DTCP Layout.	Xerox Copy
EX.P5	06.03.2021	Patta No. 1615 infavour of the the petitioner.	Online Copy
Ex.P6	13.04.2021	Police Complaint with C.S.R.	Xerox Copy

Ex.P7	21.04.2021	Letter sent to the 2 nd respondent regarding the construction of a wall blocking agricultural land.	Certified copy
Ex.P8	22.04.2021	Letter sent to the 3 rd respondent regarding the construction of a wall blocking agricultural land.	Certified copy
Ex.P9	-	Property Photos.	Colour Print
Ex.P10	25.04.2021	Police Complaint.	Xerox Copy
Ex.P11	26.04.2021	Kist Receipt.	Xerox Copy

RESPONDENT SIDE WITNESSES:- - NIL -

RESPONDENT SIDE EXHIBITS:- - NIL -

COURT SIDE EXHIBITS:-

Ex.C1	Advocate Commissioner Report
Ex.C2	A Schedule Property FMB Sketch
Ex.C3	B & C Schedule Property FMB Sketch
Ex.C4	Photos

District Munsif-cum-Judicial Magistrate,
Cheyyur.