

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
CHEY YUR

Present: Tmt. V.Devapriya, B. Sc., M.L.
District Munsif-cum-Judicial Magistrate, Cheyyur (FAC)

Tuesday, the 25th day of March, 2025

I.A.No.2/2024

in

O.S.No.53/2024

M/s.Western Goat and Sheep Farm Private Limited
rep. By its Managing Director V.K.Jawad

...Petitioner/Plaintiff

-Vs-

K.Indirani

...Respondent/Defendant

This petition coming up before me on 20.03.2025 for final hearing in the presence of, Thiruvallargal.R.Bernatsha, C.Thangamani, S.Midursa Luda Mary, counsels for the Petitioner/Plaintiff and Thiruvallargal.K.Anitha, P.Pradeep Ponvel, counsel for Respondent/Defendant 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 Petitioner/Plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, for interim injunction restraining the Respondent/Defendant, her men, agents or anyone on her behalf, from in any manner,

interfering with the Petitioner/Plaintiff's peaceful possession and enjoyment of suit properties, till the disposal of the suit.

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

Originally the suit properties measuring a total an extent of 24.05 Acres comprised Old S.Nos.273, 274 and 275 were subsequently assigned to S.No.76 situated at Nerkunapattu Village purchased by Kanthamani Ammal, W/o.Iyyappa Reddiar from Venkata Subba Reddiyar represented through Balarama Reddiyar under a sale deed dated 12.06.1956 registered as doc.no.1084/1956 in the office of Sub Registrar Office, Cheyyur. On 02.12.1959 the suit properties and other properties purchased and owned by the said Iyyappa Reddiyar and Kanthamani Ammal were partitioned amongst the family members of Iyyappa Reddiar and Kanthamani Ammal namely, Iyyappa Reddiar, Krishnaswamy Reddiar, Veeraswamy Reddiar and Minor. Perumal Reddiar duly represented by his mother and natural guardian Kanthamani Ammal and the same was registered as a partition deed doc.no.160/1960 in the office of SRO, Madurantakam.

3. The properties were partitioned among the family members and the specific shares were allotted to each one of the family members and partition deed 'A' schedule property was allotted to Iyyappa Reddiyar. At the time of allotment of shares, the recital of the partition deed did not contain any particulars that a share was allotted to Kanthamani Ammal. The said Kanthamani ammal was included and she signed the said document representing the minor as such she did not claim any exclusive right

over the properties mentioned in the said schedule of the partition deed. After the partition deed after the death of Iyyappa Reddiar to whom the suit 'A' schedule property was allotted to him vide the partition deed doc.no.160/1960 dated 02.12.1959, the legal heirs of the said Iyyappa Reddiar had entered into a family arrangement by way of executing a koorchit dated 21.03.1973 thereby the properties belonging to the family of Iyyappa Reddiar including the properties of Kanthamani ammal was divided amongst them.

4. The koorchit contained all three shareholders viz., Krishnaswamy Reddiar, the husband of the Defendant, Veerasamy Reddiar and Perumal Reddiar was allotted 1/3 share each in respect of properties in S.No.76 to an extent of 24.05 acres and S.No.80 to an extent of 8.33 acres situated at Nerkunapattu Village. The said Krishnaswamy Reddiar died intestate leaving behind him his wife, the Defendant K.Indira and his daughters, Sathya and Vijaya, as his legal heirs. The said Veeraswamy Reddiar, Perumal Reddiar and K.Indira, Minor Sathya and Minor Vijaya represented through their mother and guardian K.Indira, the Defendant, sold the 1st item of the suit property comprised in the S.No.76/1 to an extent of 6.30 acres under a sale deed dated 20.02.1991 doc.no.140/1991 registered in the office of SRO Cheyyur to Abdul Haq and the Plaintiff company purchased the same under a sale deed dated 10.01.1993 registered as doc.no.16/1993 in the office of SRO, Cheyyur from Abdul Haq.

5. They again sold the 2nd item of the suit property comprised in the S.No.76/2 to an extent of 7.19 acres to Abdul Haq under sale deed dated 20.02.1991 doc.no.134/1991 registered in the office of SRO Cheyyur and the Plaintiff company purchased the same from the said Abdul Haq under sale deed dated 10.01.1993 registered as doc.no.17/1993 in the office of SRO, Cheyyur. They sold the 3rd item of the suit property comprised in the S.No.76/3 to an extent of 9.39 acres to the Plaintiff company under sale deed dated 20.02.1991 in doc.no.133/1991 registered in the office of SRO, Cheyyur. They sold the 4th item of the suit property comprised in the S.No.76/4 to an extent of 1.16 acres to the Plaintiff company under sale deed dated 20.02.1991 doc.no.139/1991 registered in the office of SRO, Cheyyur.

6. From the date of purchase, the Petitioner/Plaintiff is in absolute possession and enjoyment over the suit properties all in the total extent of 24.05 Acres and they obtained patta in their favour and fenced the properties with one side compound and other sides with steel barbed wires. Subsequently, they cultivated Teak trees and tamarind trees in the suit properties and they have been standing for the past 25 years which can be seen from the document of Adangal and they are in possession without any interference.

7. In the meantime, the Petitioner/Plaintiff received a summons from the DRO, Kancheepuram for enquiry based on the representation given by the Defendant. The Petitioner/Plaintiff came to verify that the Respondent/Defendant filed two Writ Petitions before the Honourable High court in W.P.No.32973/2015 and

W.P.No.13193/2016 and the Honourable Madras High Court directed the District Revenue Officer, Kancheepuram to dispose of the representation given by the Respondent/Defendant to cancel the patta issued in favour of the Petitioner/Plaintiff. As per the direction of the Honourable Madras High Court, the District Revenue Officer conducted a thorough enquiry after summoning the Petitioner/Plaintiff and Respondent/Defendant. In the DRO proceedings, the Respondent/Defendant claimed that she did not executed the above four sale deeds along with Veeraswamy and Perumal and the said deeds were forged through impersonating a person as K.Indira and she further claimed that her name is K.Indirani, and not K.Indira. The suit properties were conveyed to her by Kanthamani Ammal by a Will dated 13.12.1989 registered as doc.no.53/1989 in the office of the Sub Registrar, Madurantakam.

8. From the conjoint reading of the partition deed dated 02.12.1959 and the koorchit dated 21.02.1973, it is very clear that the properties sold to the Petitioner/Plaintiff by Veeraswamy and others including the Respondent/Defendant, have nothing to do with the properties that were alleged to have been conveyed through Will in favour of Respondent/Defendant. Moreover, the Will did not contain any schedule or any specific particulars to identify the properties. The properties that were alleged to have been conveyed through a will dated 14.12.1989 are different properties that were alleged to have come into the hands of Kanthamani ammal based on the decree passed in the suit between the brother's son of Kanthamani ammal and Kanthamani.

Apart from the properties, some claims were made concerning the employment of her brother as Munsif of the village.

9. Having clear knowledge that the patta was already allotted to the Petitioner/Plaintiff company on the strength of the sale deeds, the Respondent/Defendant did not come forward to challenge the registered documents in the manner known to law. Further, this fact was not pleaded before the Honourable High Court of Madras and the Petitioner/Plaintiff company was not made a party in the writ petition initiated by the Respondent/Defendant. The fraudulent claim of the Respondent/Defendant can be established by the perusal of the subsequent documents executed by the Respondent/Defendant to the third parties vide a sale deed dated 12.11.2003 document No.1870/2003 and a sale deed dated 22.07.2011 document NO.2695/2011.

10. In these documents also the Respondent/Defendant and her two daughters signed their name as Indira, Sathya and Vijaya. For the purpose of creating a document, the Respondent/Defendant had executed power of attorney dated 18.06.2015 vide doc.No.1853/2015 registered at the office of SRO, Cheyyur thereby she has signed as Indirani. The said power of attorney document also contained a forged patta as if the same was issued by the revenue authority. After knowing the fraudulent power of attorney and patta, he gave a police complaint against the Respondent/Defendant and her associates before the Cheyyur Police Station and a case was registered on 23.07.2015 in CSR No.201/2015.

11. After the police enquiry, fearing prosecution for the execution of the forged documents the Respondent/Defendant cancelled the power of attorney vide a Cancellation doc.no.2359/2015 on 23.07.2015. This was done by the Respondent/Defendant only after he had taken the legal course of bringing the illegal act of the Respondent/Defendant to the knowledge of the SRO, Cheyyur. He also gave petitions addressing the fraudulent documents of the Respondent/Defendant to Thasildar, Cheyyur on 25.11.2014 and to SRO, Cheyyur on 21.07.2015. The above facts are narrated by the Petitioner/Plaintiff company in writing and establish the Plaintiff's valid title and possession of the properties before the DRO, Kancheepuram. He also proved before DRO that the allegations raised by the Respondent/Defendant for the grant of patta in her favour are false and frivolous apart from fraudulent attempts.

12. Further, the Respondent/Defendant did not furnish any details about the properties gifted to her by Kanthamani Ammal based on the alleged Will. However, the properties alleged to have been covered under the alleged will have nothing to do with the properties purchased by the Petitioner/Plaintiff company. After analyzing the entire evidences, the DRO, Kancheepuram dismissed the representation for cancellation of Patta by its order dated 02.04.2018 and directed the Respondent/Defendant to approach the Civil Court to get a remedy. Thereafter Respondent/Defendant was trying to disturb the peaceful possession of Plaintiff through the goondas and politically powerful man several times and the Petitioner/Plaintiff suitably defended the interference on each occasion.

13. The fact is this so, the Respondent/Defendant suppressing the order passed by the District Revenue Officer, Kancheepuram dated 02.04.2018 again gave a petition before the Revenue Divisional Officer, Madurantakam as if she got the direction from the Hon'ble High Court in W.P.No.32973/2015. The said Revenue Divisional Officer, Madurantakam sent a summon to the Petitioner/Plaintiff and Respondent/Defendant on the receipt of the summon he appeared through his advocate and informed that the District Revenue Officer, Kancheepuram already dismissed the representation as per the direction of the Hon'ble High Court in W.P.Nos.32973/2015, 13193/2016 and produced the order copy dated 02.04.2018 passed by the District Revenue Officer, Kancheepuram to the Revenue Divisional Officer, Maduratakam. After made through enquiry by the Revenue Officer, Madurantakam dismissed her representation dated 09.01.2024 on 17.07.2024 as not maintainable since the District Revenue Officer, Kancheepuram already dismissed her similar representation on 02.04.2018.

14. On 09.09.2024, while the Petitioner/Plaintiff engaged employees to clean the suit properties and to put up new fencing, the Respondent/Defendant along with some political persons and goondas came to the suit property and threatened the Petitioner/Plaintiff's employees with dire consequences and Petitioner/Plaintiff defended them and finished the cleaning work. Again on 01.10.2024, the Respondent/Defendant herein engaged local henchmen to disturb the peaceful possession and enjoyment of the Plaintiff's suit property. He successfully prevented the interference of Respondent/Defendant herein and he further submit that the

Respondent/Defendant also coloring herself politically and she is powerful with men and other means. Hence the petition.

15. The averments stated in the adopt Written statement as counter filed by the Respondent/Defendant, in brief:

This petition is not maintainable in law and facts. The averments in the affidavit, are false. The suit properties originally belonged to Kanthamani Ammal who purchased the same measuring a total extent of 32.38 Acres through a sale deed dated 12.06.1956. Along with all other properties of Kanthamani Ammal, this property was also bequeathed to the Respondent/Defendant through a registered Will dated 13.12.1989 in doc.no.53/1989 by Kanthamani Ammal. The Respondent/Defendant never executed the sale deed dated 20.02.1991 in doc.no.140/1991, purportedly transferring S.No.76/1 measuring 6.30 acres to M.Abdul Haq. This property was bequeathed to the Respondent/Defendant through a registered Will dated 13.12.1989 in doc.no.53/1989, by Kanthamani Ammal. If any such document no.140/1991 exists, it has been created through impersonation and forgery.

16. The alleged document no.134/1991 is fabricated and the Respondent/Defendant never participated in any such transaction. The Respondent/Defendant denies executing the sale deed dated 20.02.1991 in doc.no.133/1991 for the direct sale of S.No.76/3 measuring 9.39 acres to the Petitioner/Plaintiff company. The Defendant has never executed any such document. The Respondent/Defendant denies executing

the sale deed dated 20.02.1991 in doc.no.139/1991 for the direct sale of S.No.76/4 measuring 1.16 acres to the Petitioner/Plaintiff company. Any such document is forged and fabricated.

17. The proceedings initiated and conducted by the District Revenue Officer were fundamentally flawed and in gross violation of the principles of natural justice. The orders dated 14.10.2015 and 07.04.2016 were obtained through deliberate misrepresentation and suppression of material facts by the Petitioner/Plaintiff. Furthermore, the entire proceedings were conducted in a mechanical and perfunctory manner, devoid of any meaningful inquiry or verification. No field investigation was carried out to ascertain the veracity or genuineness of the facts and claims presented by the Petitioner/Plaintiff during the DRO proceedings. This lack of due diligence has resulted in an arbitrary and unjust outcome, causing prejudice to the Respondent/Defendant.

18. The claim about K.Indira Vs.Indirani is a frivolous attempt to create confusion. The Will dated 13.12.1989 is a valid document duly registered with proper procedures. The Petitioner/Plaintiff had full knowledge of the Will and patta but deliberately suppressed these facts before the Honourable High Court. The execution of the sale deeds in 2003 and 2011 pertains to entirely separate and distinct transactions, which bear no relevance to the present dispute. The Petitioner/Plaintiff's attempt to conflate these unrelated matters appears to be a deliberate effort to create confusion and mislead the Court. It is further submitted that the power of attorney

referenced by the Petitioner/Plaintiff was revoked immediately upon the Respondent/Defendant becoming aware of the Petitioner/Plaintiff's fraudulent intentions and misuse of the authority granted under the said power of attorney. The revocation was duly effected in accordance with law to prevent any further misuse or unauthorized acts by the Petitioner/Plaintiff.

19. The Respondent/Defendant also lodged a police complaint against individuals who had fraudulently obtained a forged patta in the Respondent/Defendant's name. Upon investigation, it became evident that the forged patta was procured by individuals connected to the Petitioner/Plaintiff, albeit indirectly, with the ulterior motive of implicating of the Respondent/Defendant. The intention behind these fraudulent actions was to portray the Respondent/Defendant as an illegal actor in the eyes of the law, thereby tarnishing her reputation and weakening her lawful position in the present dispute. Further more, this Respondent/Defendant unequivocally asserts that she has consistently taken proactive and lawful steps to address and rectify these fraudulent actions. This includes initiating the cancellation of the power of attorney and the forged patta through legal and proper channels, demonstrating the Respondent/Defendant commitment to upholding the law and protecting her rights.

20. While the DRO's dated 02.04.2018 dismissing the representation is a matter of record, the direction to approach the civil Court does not validate Petitioner/Plaintiff's baseless claims. The Respondent/Defendant denies the alleged incident on 09.09.2024. The allegation about bringing political persons and threatening workers

is false. The Respondent/Defendant has never engaged in, nor interfered with, any illegal activity as alleged by the Petitioner/Plaintiff. The Respondent/Defendant is an elderly woman who has been a victim of circumstances and has unjustly lost her property. The Petitioner/Plaintiff's attempt to portray the Respondent/Defendant as someone involved in unlawful acts is a deliberate effort to malign her character and mislead the Court. The alleged cause of action is artificially created based on false allegations of interference and forged documents. Hence, this petition is liable to be dismissed with costs.

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

22. On the side of Petitioner/Plaintiff, Exhibits P-1 to P-20 were marked and on the side of the Respondents/Defendants, no Exhibits were marked and no witnesses were examined on both sides.

23. Heard both sides and perused the records.

24. The Petitioner/Plaintiff had filed this petition for temporary injunction for restraining the Respondent/Defendant from interfering his possession in the suit properties. The Respondent resisted the petition stating that the Petitioner had filed the above suit based on the sale deeds which were not executed by her.

25. The Petitioner/Plaintiff alleged that the suit properties were originally belonged to one Kanthamani ammal and that her family had partitioned the suit properties and also other properties owned by her and her husband Iyyappa Reddiar under partition deed dated 02.12.1959 and that the suit properties were allotted to the said Iyyappa

Reddiar. Further the Petitioner/Plaintiff had stated that the said Iyyappa Reddiar died leaving behind his sons namely Krishnasamy Reddiar, Veerasamy Reddiar and Perumal Reddiar and further that the said Krishnasamy died leaving behind his wife, the Respondent/Defendant and his daughters namely Sathya and Vijaya.

26. The Petitioner/Plaintiff allege that the above said Veerasamy, Perumal and the legal heirs of Krishnasamy had attained the properties of the said Iyyappa Reddiar and had jointly sold the item no.1 and 2 to one Abdul Haq under sale deeds dated 20.02.1991 and also jointly sold item nos.3 and 4 to the Petitioner/Plaintiff under sale deeds dated 20.02.1991. The Petitioner/Plaintiff further stated that the said Abdul Haq had sold the item nos.1 and 2 to the Petitioner/Plaintiff under sale deeds dated 10.01.1993. The Petitioner/Plaintiff had filed Exhibits P-2 to P-7 to show his title over the suit properties and Exhibits P-16 to P-18 to show his possession in the suit properties.

27. Per contra, the Respondent/Defendant alleged that she had not executed the above said sale deeds in favour of the said Abdul Haq and also the Petitioner/Plaintiff and had further alleged that her signature was impersonated. Perusal of the Exhibits P-2 to P-5, which are the certified copies of sale deeds, show that the same was typed and the signature of the Respondent/Defendant alone was written. Further, in Exhibit P-4, in the space of Respondent's signature, the name of one Munusamy was written.

28. The Petitioner/Plaintiff had filed Exhibits P-8 and P-9 to show that the Respondent will sign only as Indira and not as Indirani. However, in the Exhibits P-8

and P-9, the alleged signature of the Respondent was affixed along with her initial letter. But in Exhibits P-2 to P-5, the initial letter of the Respondent was typed before the alleged signature of the Respondent/Defendant. While the Respondent/Defendant had disputed her signature in the alleged sale deeds, the Exhibits filed by the Petitioner/Plaintiff also shows certain discrepancies in the alleged signatures of the Respondent/Defendant. The Petitioner/Plaintiff had not filed the original sale deeds for the perusal of this court. Thus, the Petitioner/Plaintiff had failed to show balance of convenience and irreparable loss.

29. The learned counsel for the Respondent filed the judgments of the Hon'ble Supreme Court in the cases of *The Tehsildar, Ubran Improvement Trust and another Vs. Ganga Bai Menariya (dead) through Lrs and others*, [Civil Appeal No.722/2012 dated 20.02.2024] and *Anathula Sudhakar Vs.P.Buchi Reddy (dead) by Lrs and others*, [2008 (4) SCC 594], to contend that when there is a dispute over the title, the suit for mere injunction is not maintainable. The Petitioner/Plaintiff had filed this petition for temporary injunction and therefore, the above judgments cannot be relied upon while disposing this petition.

30. In the case of *Dr. M. Thirunavukarasu Vs. Indian Psychiatric Society Tribunal, Rep by its chairman and others*, [2008 (2) CTC 51], the Hon'ble High Court of Madras had held that the interim injunction which has the effect of granting final relief, should not be granted. In the present case, the prayer sought for in the above suit and the interim prayer sought for in this petition, are one and the same. Hence, in

view of the above dictum laid down by the Hon'ble High Court, this court is not inclined to allow this petition.

31. In the result, this petition is dismissed. No costs.

Typed by me in my laptop, corrected and pronounced by me in open court on this the 25th day of March, 2025

District Munsif cum
Judicial Magistrate
Cheyyur (FAC)

Petitioner side witnesses:

NIL

Petitioner side documents:

- Ex P1 - Certified copy of Partition deed dated 02.12.1959
- Ex P2 - Certified copy of sale deed dated 20.02.1991 in doc.no.133/1991 on the file of SRO, Cheyyur
- Ex P3 - Certified copy of sale deed dated 20.02.1991 in doc.no.134/1991 on the file of SRO, Cheyyur
- Ex P4 - Certified copy of sale deed dated 20.02.1991 in doc.no.139/1991 on the file of SRO, Cheyyur
- Ex P5 - Certified copy of sale deed dated 20.02.1991 in doc.no.140/1991 on the file of SRO, Cheyyur
- Ex P6 - Certified copy of sale deed dated 10.01.1993 in doc.no.16/1993 on the file of SRO, Cheyyur
- Ex P7 - Certified copy of sale deed dated 10.01.1993 in doc.no.17/1993 on the file of SRO, Cheyyur
- Ex P8 - Certified copy of sale deed dated 12.11.2003
- Ex P9 - Certified copy of sale deed dated 22.07.2011
- Ex P10- Certified copy of General Power of attorney deed dated 18.06.2015
- Ex P11- Certified copy of cancellation deed dated 23.07.2015
- Ex P12- CSR dated 23.07.2015
- Ex P13- Summon from DRO Kancheepuram to Plaintiff dated 27.10.2016
- Ex P14- Order passed by DRO, Kancheepuram dated 02.04.2018
- Ex P15- Order passed by RDO, Madurantakam dated 17.07.2024

- Ex P16- Online patta dated 02.10.2024
- Ex P17- Kist receipt dated 20.08.2024
- Ex P18- Adangal dated 20.08.2024
- Ex P19- Online Encumbrance certificate dated 02.10.2024
- Ex P20- Resolution of Plaintiff company dated 30.09.2024

Respondent side witnesses & documents:

NIL

District Munsif cum
Judicial Magistrate
Cheyyur (FAC)