

IN THE COURT OF THE DISTRICT MUNSIF, HARUR

Present: Tmt.SRI MATHURA S. LLM.,

DISTRICT MUNSIF, HARUR

On Saturday, 25th day of October, 2025

I.A.No: 2/ 2024

In

O.S.No: 3/2024

Venkatesan

...Petitioner /Plaintiff

//Versus//

1.Velu

2.Devaki

3.Varadhan

4.Nagarajan

5.Parimala

...Respondents/Defendants

This petition came up on 14.10.2025 for final hearing before me in the presence of Adv.Thiru.G.Radhakrishnan,MCom.,B.L., for the petitioner/Plaintiff and Adv.Thiru.A.V.Singaram.,B.Sc.,B.L., for the Respondents No 1 to 5. Upon hearing the Arguments of both sides and perusing the documents and having stood over till this day for consideration, this court delivered the following.

ORDER

This interlocutory petition was filed by the Petitioner/Plaintiff under **ORDER 39 RULE 1 & 2 and SECTION 151 of CPC** to seeking the relief of temporary injunction restraining the respondents/defendants their men, servant and agents from in any manner causing obstruction, harm, destruction or intervention to the petitioner's peaceful possession and enjoyment of the suit property till the final decision of the suit and thus render justice.

I) The Contention of the Petitioner/ Plaintiff in brief :

1.1) The petitioner humbly submits that he is the petitioner herein and the plaintiff in the main suit and has been residing in the petition property since the year 1968. He has constructed a house thereon, obtained an electricity connection, paid house tax, and has been continuously living with his family without interruption. The petitioner further submits that he has also constructed a cowshed within the petition property, where he has been rearing and maintaining cows and goats.

1.2) The petitioner humbly submits that the revenue records pertaining to the petition property reflect the names of (i) the father of the 1st respondent/defendant, late Mottakannu, and (ii) the father of the 3rd and 4th respondents/defendants, late Chinnaswamy. Although these revenue documents stand in their names, neither the said persons nor their legal heirs, namely the respondents/defendants, have ever been in possession or enjoyment of the petition property at any point of time.

1.3) The petitioner humbly submits that the petition property is ancestral land left by the petitioner's forefathers to construct a dwelling house. The petitioner has also constructed his house upon the said property and has been peacefully residing therein

for the past fifty-five years without any disturbance from any quarter. However, for the past two years, the respondents/defendants have been attempting to unlawfully dispossess the petitioner by relying upon certain fraudulent documents. Consequently, the petitioner filed a petition before the Tahsildar, Harur in the year 2021 seeking cancellation of the said fraudulent entries standing in the names of the respondents/defendants' fathers in respect of the petition property.

1.4) The petitioner humbly submits that as no action was taken on his representation, he sought information under the Right to Information Act, 2005, in July 2021 regarding the status of his petition. In response, the Public Information Officer and the Deputy Tahsildhar, Harur by communication dated 09.09.2021, furnished a report confirming that the petition property is indeed the place where the petitioner's ancestors left vacant to construct house and that the petitioner has been residing therein for several decades by constructing a house therein.

1.5) The petitioner humbly submits that he has been in peaceful, open, and continuous possession and enjoyment of the petition property for more than fifty-five years, without any interference from anyone. The petitioner submits that by virtue of such long, uninterrupted possession beyond the statutory period, he has perfected his possessory right over the petition property against the respondents/defendants.

1.6) The petitioner humbly submits that on 10.12.2023, the respondents/defendants, along with several persons, unlawfully trespassed into the petition property, caused disturbance to the petitioner's peaceful possession, and attempted to dispossess him. The said unlawful acts were witnessed by nearby residents. The petitioner submits that the respondents/defendants have again threatened to forcibly enter the property

with more men and have continuously been issuing threats to evict the petitioner. The acts of the respondents/defendants are wholly illegal and have caused grave hardship and mental agony to the petitioner.

1.7) The petitioner has made out a strong prima facie case in his favour, and the balance of convenience also lies entirely on his side. The petitioner submits that if the respondents/defendants are not restrained by an order of this Hon'ble Court, he will suffer irreparable loss and hardship. The petitioner prays to allow this petition.

II) The Contention of the 3rd Respondent/ Defendant in brief:

(Adopted by other respondents/defendants)

2.1) The respondent respectfully submit that the contentions raised by the petitioner are false, baseless, and legally untenable. Except for those specifically admitted by the respondents, all the averments are denied, and the burden of proof lies on the petitioner

2.2) The respondents humbly submit that the suit property originally belonged to one Mottayan@Venkiyakounder. His legal heirs are namely, Kannammal and Chinnaswamy. After Kannammal's marriage and settlement at Annamalaipatti village, the said Mottayan@Venkiyakounder allotted equal shares in the suit property to his heirs, namely, (i) Kannammal, and (ii) Chinnaswamy.

2.3) The respondents humbly submit that in the said arrangement, Kannammal, mother of 1st defendant was allotted the southern portion of the suit property, while Chinnaswamy, the father of the defendants No: 3 to 5, was allotted the northern portion. Since then, the revenue records and other documents relating to the suit

property have stood jointly in the names of Chinnaswamy and the husband of Kannammal, evidencing their co-ownership and joint enjoyment.

2.4) The respondents humbly submit that a house was initially constructed upon the suit property by Kannammal. Subsequently, Kannammal built a new house elsewhere and shifted her residence. Thereafter, the family members of one Duraisamy resided in the said house for several years. Later, they too constructed a new house and vacated the premises. In this situation, the petitioner/plaintiff and his family members, who did not have a house of their own at that time, requested permission from Kannammal and Chinnaswamy to occupy the house situated in the suit property temporarily, until they constructed a new house. Out of goodwill, the said request was accepted, and the plaintiff's family was permitted to stay in the suit property on a temporary and permissive basis.

2.5) The respondents humbly submit that since the plaintiff's children were minors at the relevant time, the house in the suit property had no electricity connection. At the request of the plaintiff, and with the consent of the family members of Kannammal and Chinnaswamy, the plaintiff was permitted to obtain an electricity connection in his own name, provided he bore the expenses thereof. Accordingly, the plaintiff obtained the said electricity connection in his name, merely for residential convenience and not as a mark of ownership or possession in his own right.

2.6) The respondents humbly submit that after some years, the plaintiff's sons became majors, and each of them constructed separate houses at different places and began residing independently. When the defendants informed the plaintiff that, since his family members had established separate residences, he should vacate the house

on the suit property, the plaintiff sought time to do so. However, despite repeated requests, the plaintiff failed to vacate the property and began asserting false ownership claims. Taking advantage of the permissive occupation and the electricity connection standing in his name, the plaintiff has now filed the present suit with false allegations and fabricated claims. The plaintiff has no ownership, possession, or independent right over the suit property. His occupation was purely permissive, and therefore, the present petition and suit are wholly misconceived and liable to be dismissed.

III) Points for Consideration :

Whether the petitioner is entitled to relief as prayed for ?

IV) Discussion:

4.1) Both side enquiry heard and upon careful consideration of available material records, it is seen that the petitioner/ plaintiff had filed an interlocutory application under ORDER 39 RULE 1 & 2 and SECTION 151 of CPC to seeking the relief of temporary injunction restraining the respondents/defendants their men, servant and agents from in any manner causing obstruction, harm, destruction or intervention to the petitioner's peaceful possession and enjoyment of the suit property till the final decision of the suit and thus render justice.

4.2) No oral evidence adduced on both sides. On the side of the petitioner, Ex.P.1 to Ex.P.15 were marked and no documents marked on the side of the respondents.

4.3) Upon hearing the learned counsel for both sides and upon perusal of the records, this Court finds that the petitioner claims long and continuous possession of the

petition property since 1968 and relies upon Exs. P.1 to P.15 to substantiate such possession. On the other hand, the respondents contend that the petitioner's occupation is purely permissive, granted out of goodwill by the respondents' predecessors, and that no ownership or possessory right ever accrued to the petitioner.

4.4) On perusal, Ex.P-1 is a joint patta standing in the names of Mottukannu, father of the 1st defendant, and Chinnaswamy, father of the defendants Nos. 3 and 4. Ex.P-3 is the communication dated 09.09.2021 issued by the Tahsildar, Harur, under the Right to Information Act, in response to the petitioner's request, wherein it is stated that the petitioner is in possession of the property and that there are no fraudulent patta entries as alleged by him. Ex.P-4 is an Electricity Board (EB) consumer card, and Exs.P-5 to P-11 are EB receipts standing in the petitioner's name. Exs.P-12 and P-13 are house-tax receipts issued by the local body. While these documents prima facie indicate that the petitioner has been in occupation of the property and paying certain charges related to its use, the respondents' contention that such possession is merely permissive in nature cannot be disregarded particularly when Ex.P.1 the patta, being the primary revenue record, stands in the names of Mottukannu and Chinnaswamy, the respective fathers of the defendants.

4.5) Except for the EB receipts and house-tax receipts, no other reliable revenue records, such as chitta, adangal, or kist receipts, have been produced by the petitioner to establish continuous, exclusive, or lawful possession over the suit property. Although the petitioner contends that he has been in possession since 1968, no documentary evidence has been filed before this Court to substantiate such long-

standing possession, as Exs.P-5 to P-11 only pertain to the period between 2011 and 2014. Consequently, this Court is not satisfied that the petitioner has made out a clear prima facie case of independent possession over the suit property.

4.6) Further, it is noted that the main suit is already ripe for trial and presently stands at the stage of issues, wherein substantially similar questions concerning title and possession are pending adjudication. Deciding the present petition at this stage would, in effect, amount to pre-judging the rights and liabilities of the parties even before a full-fledged trial based on oral and documentary evidence. In view of the above facts and circumstances, this Court finds it neither proper nor expedient to grant the relief sought in this interlocutory petition. Accordingly, the petition is dismissed. No cost.

V) Decision:

In the result, the petitioner is not entitled to the relief of temporary injunction sought for and hence this petition in I.A.No:2/24 is dismissed. No cost.

Dictated to Steno-Typist, typed by her in computer,
corrected by me and pronounced by me in the
Open Court on this 25th day of October, 2025.

DISTRICT MUNSIF, HARUR

Annexure:**Petitioner side Evidence: Nil****Petitioner side Exhibits: Ex.P.1 to Ex.P.15 marked.**

Ex.P.1	15.06.2023	joint patta standing in the names of Mottukannu, father of the 1st defendant, and Chinnaswamy, father of the defendants Nos. 3 and 4.	Computer copy
Ex.P.2	05.06.2023	Survey map of the suit property	Computer copy
Ex.P.3	09.09.2021	communication dated 09.09.2021 issued by the Tahsildar, Harur, under the Right to Information Act, in response to the petitioner's request, wherein it is stated that the petitioner is in possession of the property and that there are no fraudulent patta entries as alleged by him.	Original
Ex.P.4		Electricity Board (EB) consumer card	Original
Ex.P.5	23.06.2011	EB receipt standing in the petitioner's name.	Original

Ex.P.6	19.04.2014	EB receipt standing in the petitioner's name.	Original
Ex.P.7	19.06.2014	EB receipt standing in the petitioner's name.	Original
Ex.P.8	20.08.2014	EB receipt standing in the petitioner's name.	Original
Ex.P.9	20.12.2014	EB receipt standing in the petitioner's name.	Original
Ex.P.10	21.02.2015	EB receipt standing in the petitioner's name.	Original
Ex.P.11	21.06.2016	EB receipt standing in the petitioner's name.	Original
Ex.P.12	31.12.2006	House-tax receipt issued by the local body	Original
Ex.P.13	03.03.2019	House-tax receipt issued by the local body	Original

Ex.P.14		Aadhaar Card of the petitioner	Xerox
Ex.P.15		Guidline value of the suit property	Computer copy

Respondent side Evidence and Exhibits : Nil

DISTRICT MUNSIF, HARUR

Fair Order

I.A.No:02/2024

in

O.S.No:03/2024

Dated:25.10.2025