

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Tuesday, on the 17th day of March, 2026.

I.A. No.12 of 2026 in O.S.No.115 of 2015

CNR No.TNKK04-000154-2015

C. Kannan

... Petitioner / Plaintiff

-vs-

1. The State of Tamil Nadu
rep. by the District Collector,
Nagercoil.
2. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.
3. The Village Administrative Officer,
Kottaram

... Respondents / Defendants

This Petition came up before this Court on 07.03.2026 for a final hearing in the presence of Mr. M. Parameswaran, learned Counsel for the Petitioner / Plaintiff and Mr. C. Johnson, Government Pleader for the Respondents / Defendants and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner has filed under Section 151 of the Code of Civil Procedure and under Rule 75 of Civil Rules of Practice, seeking to pass an order to grant leave to summons the Tahsildar, Agasteeswaram Taluk, Kanyakumari District and direct to adduce evidence and produce the below petition mentioned documents certified copies connected with the said properties.

2. Gist of Averments in the Petitioner's Petition :

The petitioner is the plaintiff in the suit who was examined as PW1 in this case came up with this petition while the above case was posted for further evidence on the side of the plaintiff. The petitioner stated that he had received some documents from petitioner previous possessor of the scheduled property which is in Re-survey No.No.333/2 of Kottaram Village which was Government puramboke land. The petitioner further avers that some area of puramboke land were occupied some decades back by poor landless people and they constructed house building in it including the plaintiff. Subsequently, the occupied area was re-classified as Natham Puramboke land and Re-survey No.333/3 and 333/4 assessed and patta was given to the occupiers who are under possession except the plaintiff with ill-motive. The petitioner further stated that the previous possessor of the scheduled property had given a vast number of house tax receipts and some other documents connected with petitioner property

and building. The petitioner has already produced the Rekai documents connected with this case. The petitioner had misplaced all the tax receipts and the other documents connected with the suit property. At the time of PW1 cross examination, the details came to know that the particular documents are not available with the petitioner and the same are available with the Tahsildar and Deputy Tahsildar, Agasteeswaram Taluk, Kanyakumari District.

3. The defendants have wantonly avoided to produce the 'A' register, Re-survey plan and free patta beneficiaries particulars connected with the Re-survey numbers 333/3 and 333/4 of Kottaram Village and other documents. So it is highly necessary that the Tahsildar, Agasteeswaram Taluk may be summoned and ordered to produce the relevant documents connected with the said schedule properties in Re-survey numbers 333/3 and 333/4 which is under the custody of the said authorities otherwise, petitioner will be put to irreparable loss and damage. Hence, this petition is to be allowed.

4. **Gist of Averments in the Respondents Counter:**

The respondents have filed counter stating that the petition filed by the Plaintiff to receive the documents is not at all maintainable in law or on facts. The documents sought to be received are not at all relevant for an effective adjudication of the dispute involved in the suit. There is no sufficient ground to entertain this petition at this stage. The petition is devoid of merits and good

faith. The attempt of the plaintiff in filing the suit is to harass the respondents. The petition is to fulfill the lacuna to file documents. So, in any view of the matter the petition is not maintainable.

5. The point for consideration is whether the above petition has to be allowed or not?

6. Heard both sides. Records perused.

Upon consideration of the pleading and submissions, this court would like to proceed with the petition in the light of Rule 75 of the Civil Rules of Practice.

7. Generally, the application made under Rule 75 of Civil Rules of Practice, for such summoning of documents shall be considered by taking into the relevancy of the documents set out in the application and whether any attempt has been made to obtain certified copy. As such, it is relevant to extract Rule 75(2) and 75(3) of civil rules of practice, which are extracted here under,

"75. Production of records in the custody of a Public Officer other than a Court:-

(2) Every application for such summons shall be made by a verified petition setting out (i) the document or documents the production of which is required; (ii) the relevancy of the document or documents; and (iii) in case where the production of a certified copy would answer the purpose, whether

application was made to the proper officer for a certified copy or copies and the result of such application. No court shall issue such a summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The Court shall in every case record its reasons in writing and shall require the applicant to deposit in Court, before the summons is issued, to abide the order of the Court, such sum as it may consider necessary, to meet the estimated cost of making a copy of the document when produced."

8. In addition to that, this Court would like to bear in mind while determining this petition, the judgement of **Hon'ble Supreme Court in M.P.Padmavathi Vs S.Sundaram and Others, reported in (2021) 3 LW 490 wherein it was held as follows:**

"However, it is stated in unison by both the learned counsels that the learned Judge had not stated or had not given any finding whether the documents sought to be produced are actually relevant to determine the issues in the suit. The nature of the order required to be passed in an application under Rule 75 of the Civil Rules of Practice. The learned Judge should examine first whether the documents had been properly described. Then he should examine whether the documents are relevant to the issues in the suit and later he should also examine whether certified copies of the documents had been applied and whether the Court should order summoning the documents from the Public

Officer.

9. Applying the above rules and precedent to this case, this court proceed with determining this petition. The case of the petitioner is that the suit property originally is a Government Poromboke land which was occupied by several poor landless persons along with the petitioner and there they further constructed the house building. Subsequently, the same land has been reclassified as Natham Poromboke land and after assessment of Re.Sy.Nos.333/3 and 3334/4, patta was given to the occupiers of the said land except the plaintiff.

10. In this backdrop, the petitioner sought to summon several documents such as 'A' register, Re-survey plan, Government proceedings or orders relating to reclassification and particulars of Patta beneficiaries in Re.Sy.Nos.333/3 and 333/4. Though these documents are not conclusive of title, in order to establish the original classification of the land as per Government poromboke and the subsequently classification as Natham Poromboke, to establish granting of Pattas upon similarly occupied persons becomes relevant to the petitioners to prove long-standing possession but excluded from granting patta.

11. Coming to the compliance of Rule 75 of Civil Rules of Practice, the condition precedents for seeking the production of records in custody of

public officers are two fold: Firstly, the Application should be filed before appropriate authority setting out the details mentioned in Rule 75 [2] of Civil Rules of Practice, and secondly, the application for a certified copy has been duly made and has not been granted by the appropriate authority. However, There is an exception to the above Rule under Rule 75[6] where the court can suo moto order for the production of public records. This court finds that there are no any exceptional causes made by the petitioners to invoke the exceptional clause laid under 75 [6] of Civil Rules of Practice,

12. There is no evidence or documents filed by the petitioners showing that the application for need of certified copies of the above documents had been duly filed as per the requirements mandated under the Rule 75 [2] of Civil Rules of Practice, before the appropriate authority. Simply stating that the defendant has wantonly avoided to produce doesn't satisfy the requirements laid under the Rule 75[2] of Civil Rules of Practice. The petitioner cannot straight away file an application under Rule 75 of the Civil Rules of Practice without applying for certified copies as when the rule suggests certain things to be done in a certain manner , it should be done only in that particular manner without any deviation.

13. Hence on the above said grounds, this court is of the considered view that this petition shall be liable to be dismissed with liberty to file the petition again if once an application has been duly filed as per Rule 75[2] of

Civil Rules of Practice, before appropriate authority and ended up in vain.

In the result, this petition is dismissed. No cost.

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 17th day of March 2026.

II Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents -: Nil.

Respondents side witnesses and documents : Nil.

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.12/2026 in
O.S.No.115/2015
Date: 17.03.2026.*