

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF,
PADMANABHAPURAM.**

**Present: Thiru.R.Karthikeyan, B.A. B.L.,(Hons.)
Principal District Munsif.**

Monday, 20th day of July 2026

O.S.No.302/2006

CNR.No.TNKK08-000003-2006

Lawrence, S/o.Muthunayagam, aged about 52, Christian, Nadar, Cloth Merchant,
residing at Panikuzhivilai, Maruthoorkurichi post, Kalkulam Taluk, Kanyakumari
District. ... Plaintiff

/ Vs /

1. Rajammal W/o.Nesamony, aged about 60, Christian Nadar, House wife, residing
at Puthukaduvettivilai, Maruthoorkurichi Post, Kalkulam Taluk, Kanyakumari
District. (Died)
2. The State of Tamil Nadu, rep.by District Collector, Kanyakumari District at
Nagercoil.
3. The Tahsildar, Kalkulam Taluk, Kanyakumari District.
4. Selvaraj, S/o.Not Known, Firka Surveys, Kalkulam Taluk, Kanyakumari District.
5. Sudesan, Inspector of police, Thuckalay Police Station, Thuckalay (Added as per
I.A.No.574/2009 in O.S.No.302/2006 dated on 22.02.2010)
6. Addl. Suganthi, W/o.Subramonian, Housewife, residing at Parakanvilai, Kalkulam
Taluk, Kanyakumari District (Died)
7. Addl.Leela, W/o.Christudhas, aged 52, House wife, residing at Parakanvilai,
Kalkulam Taluk, Kanyakumari District.

8. Addl.Eleci, W/o.Sbarai, aged 52, House wife, residing at Chunaparavilai, Thuckalay.
- 9.Addl.Jones, S/o.Nesamony, aged 45, residing at Puthukaduvettivilai, Maruthoorkurichi Post, Kalkulam Taluk, Kanayakumari District.
- 10.Addl. Raji, S/o.Nesamony, aged 40, Labour, residing at Puthukaduvettivilai, Maruthoorkurichi Post, Kalkulam Taluk, Kanyakumari District.
- 11.Addl.Devi, S/o.Nesamony, aged 28, Labour, residing at Puthukaduvettivilai, Maruthoorkurichi Post, Kalkulam Taluk, Kanyakumari District.
12. Addl.Dhas, S/o.Nesamony, aged 35, Labour, residing at Puthukaduvettivilai, Maruthoorkurichi post, Kalkulam Taluk, Kanyakumari District.
13. Addl. Deva Sujil, S/o.Subramonian, residing at Parakkanvilai, Vilavancode Taluk, Kanyakumari District.(Proposed Addl.13th defendant)
- 14.Addl.D14. Subin, S/o.Subramonian, residing at Parakkanvilai, Vilavancode Taluk, Kanyakumari District.(Proposed Addl.14th defendant)
15. Addl.Misbha, D/o.Subramonian, residing at Parakkanvilai, Vilavancode Taluk, Kanyakumari District. (Proposed Addl.15th defendant)
- 16.Addl.Sujistha, D/o.Subramonian, residing at Parakkanvilai, Vilavancode Taluk, Kanyakumari District (Proposed Addl.16th defendant)

17.Addl.Subramanian, S/o.Kumaran Nadar, residing at Parakkanvilai, Vilavancode Taluk, Kanyakumari District (Proposed Addl.17th defendant.) (Addl.Defendants 6 to 12 as per I.A.No.573/2009 dated 23.07.2010)

(Addl.Defendants 13 to 17 impleaded as per order in I.A.No.10/2023 dated 29.08.2024) ... Defendants

Date of presentation : 15.09.2006

Date of last presentation : --

Date of Filing : 19.09.2006

Suit is filed for permanent injunction restraining the 1st defendant by way of disturbing the plaint 'A' schedule property or make any change of its nature or make any destruction of suit 'A' schedule property for attempt to close the existing pathway with the help of agents and rowdism of said plaintiff, declaration declaring the plaintiff's title and possession over the plaint 'A' schedule property, Mandatory injunction directing the defendant to remove the tomb and exhume the body of deceased Nesamony buried in the suit 'A' schedule property failing which the same be removed and other reliefs.

The cause of action for this suit arose on 02.05.2006 (Two-Five-Two thousand and Six) being the date of 1st attempt by 1st defendant and 01.06.2006 being the date of paying of Rs.40/-(Rupees Forty only) by way of a Chellan to 3rd defendant and 15.06.2006 being the date of paying Rs.80/-(Rupees Eighty only) by way of Chellan

to 3rd defendant and being date of 28.06.2006 issuing suit notice to defendants 2 to 4 by way of registered post and being a date of 04.07.2006 file petition to 3rd defendant by plaintiff's wife and being the date of 19.07.2006 being a date of issued a post card to plaintiff by the 4th defendant and being a date of 19.07.2006 file petition to 3rd defendant by the plaintiff and the same arose at Valvachagostam village, Kalkulam Taluk, which is within the jurisdiction of this Hon'ble Court and the schedule property also lie. Further to pass a mandatory injunction and to direct the defendants 2 to 4 to measure and fix the 'F' line already applied by the plaintiff. The burial of the body of Nesamony within the suit schedule property on 13.09.2004. The order in the writ petition No.2487/2004 dated 29.01.2005 of the Hon'ble Madurai Bench of Madras High Court. The order in I.A.NO.256/2017 dated 17.11.2017 in O.S.No.68 of 2006 of the Additional District Munsif court, at Padmanabhapuram. (Amended as per order in I.A.No.162/2018 dated 13.02.2019)

For the purpose of this jurisdiction and court fee of this suit is valued at Rs.1,000/- (Rupees one thousand only) and a court fee of Rs.75.50(Rupees Seventy Five and Fifty paise) is paid under section 27(c) of the court fee and suit valuation Act XIV of 1955 of Tamil Nadu and for 'B' relief mandatory injunction valued for Rs.1000/- and court fee of Rs.75.50 is paid under the above said section. For the purpose of court fee and jurisdiction the suit property is valued at Rs.10,000/- and for the '1A' relief of declaration of title and possession over the plaint schedule property

by the plaintiff's court fee of Rs.300/- is remitted under section 25(d) of the Tamil Nadu Court Fees and Suits valuation Act XIV of 1955 and for 1(b) relief of mandatory injunction the suit is valued at Rs.5,000/- and a court fee of Rs.150/- is paid under section 27(c) of the above Tamil Nadu Court Fees and Suits Valuation Act. (Amended as per order in I.A.No.162/2018 dated 13.02.2019)

This suit is coming before me for final hearing in the presence of Mr.John Ignacious, learned counsel for the Plaintiff and Mr.S.Siva Kumar, Government pleader of the defendants D2 to D4 and Mr.Ganga Rajan, Learned counsel for the defendant D5 and Mr.Sanil kumar, Learned counsel for the defendant D8 to D10 and defendant D7, D11 to D17 called absent and set exparte and defendant D1, D6 died. Upon hearing the both side counsel and on perusal of records having stood over for consideration till this day, this court doth decree as follows:-

DECREE

1. that the suit be and hereby is partly decreed,
2. by granting a relief of declaration declaring the plaintiff's title and possession over the plaint 'A' schedule property,
3. that there be No costs.

Given under my hand and seal of this court, this the 20th day of July 2026.

Principal District Munsif,
Padmanabhapuram.

Particulars of cost.

Cost memo not filed.
cost not allowed.

SCHEDULE OF PROPERTY

'A' Schedule

District	Kanyakumari
Sub District	Palliyady
Taluk	Kalkulam
Village	Valvachagostam
Old.Sy.No.	2326
Re.survey No.	448/4
Extent	2 cents (871.2 sq.feet)

(Amended as per order in I.A.NO.01/2019 dated 17.03.2021)

Description of Property :-

கன்னியாகுமரி மாவட்டம் ஷை பதிவு மாவட்டத்தில் பள்ளியாடி உபமாவட்டத்தில் கல்குளம் தாலுகாவில் வாழ்வச்சகோஷ்டம் வில்லேஜில் திட்டுமேல்கோணம் தேசத்தில் மருதூர்குறிச்சி கிராம பஞ்சாயத்தை சேர்ந்த புதுசர்வே 448/4 நானூற்றி நூற்பத்தி எட்டில் சர்வே நம்பர் நாலில் 1 ஹெக்டேர் 23.5 ஏர் கொடுத்திட்டுள்ளதில் கீழ்க்குறிப்பிடும் எல்கைக்குட்பட்டதும் பழைய சர்வே 2326-ல் 5 ஏக்கர் 52 சென்றுள்ள புதுகாடுவெட்டிவிளை புரையிடத்தில் ஷை நம்பர் கேஸில் மிஷன் பிளான்படி 17-வது கண்டம் 10.500 சென்ட் சொத்து எனக்கு உள்ளதில் தெக்கணையா கிழக்கிலிருந்து மேற்காக 7 ஏழு லிங்ஸ் அகலத்தில் உள்ள 2 சென்றுக்கு சரியான 871.2 சதுர அடிபரப்புடைய கட்டிடம் இல்லாத காலி மனையாகும்.

எல்கை-

ஈந்திக்காட்டுவிளைக்கு மேற்கு எனது சகோதரர் முத்துநாயகம் வகை 18-வது கண்டம் மனைக்கு வடக்கு ரோடுக்கு கிழக்கு ஷை 17-வது கண்டத்தில் எனக்கு தனதில் கிடக்கும் வடக்கணையா மீதி பாகம் மனைக்கு தெக்குமாகும்.

'B' Schedule

District	Kanyakumari
Sub District	Palliyady
Taluk	Kalkulam

Village	Valvachagostam
Old.Sy.No.	2326
Re.survey No.	449/5

Description of Property :-

புதுசர்வே 449/5-ல் 0.18.5 ஏர் கொடுத்திருப்பதில் உட்பட்ட வீதத்திற்கு சரியான முன் சர்வே 2303-ல் 3 ஏக்கர் 57 சென்றுள்ள ஈந்திக்காட்டுவிளையான பேணிக்குழிவிளை புரையிடத்தில் கிழக்கணயா வடக்கருகில் 50 சென்றில் மேக்கணயா தெக்கருகில் 16 சென்றில் கிழக்கணா 13 சென்று காலி மனை.

சொத்துக்கு எல்லை-

நாகமணி சொத்துக்கு வடக்கு
தங்கமணி வகை சொத்துக்கு வடக்கு
எனது வகை வேறு சொத்துக்கு கிழக்கு
நாகமணி வகை சொத்துக்கு தெற்குமாக உள்ள 13 சென்று காலி மனை சொத்தாகும்.
(Amended as per order in I.A.No.1/2019 dated 17.03.2021).

Sd/-
S.T.

Sd/-
H.C.

Sd/-
PDM.

PDMC, Padmanabhapuram.
O.S.No.302`/2006
CNR.No.TNKK08-000003-2006
Decree:
Dt: 20.07.2026