

In the Court of the Principal District Judge,
Principal District Court, Kancheepuram.

PRESENT: **Tmt. Deepthi Arivunithi, M.L.,**
Principal District Judge,
Principal District Court ,
Kancheepuram.

Thursday the 26th day of March 2026

IA.No.2/2025 in O.S. No.243/2025

1. K. Jaadeesan
2. J. Logambal

...Petitioners/Plaintiffs.

Vs

1. Kamakshi
2. Thilagavathi
3. Satheesh
4. Karthik

.. Respondents/Defendants.

This petition is coming on 02.03.2026 for final hearing before me in the presence of M/s. A, Raju, M. Mugesh, R. Sham Sundar, Counsels appearing for the Petitioner and M/s. E.L. Kannan, Counsels for the respondents and upon hearing the arguments on both sides and upon perusal of records and having stood over the matter for consideration till this day, this court delivered the following

ORDER

Petition filed Under Order XXXIX Rule 1 C.P.C. to pass an order restraining the respondents/defendants, their men and agents from in any way interfering with the petitioner's peaceful possession and enjoyment of suit property earmarked as ABCD portion/common road till the disposal of the suit.

2. The learned counsel for the petitioner/plaintiff would contend as follows. The main suit is filed for a permanent injunction in respect of the suit property. The plaint schedule property is an extent of 11,130 sq.ft.m comprised in S. No. 467/18 in Sriperumpudur Road, Walajabad, Kanchipuram Taluk which originally belonged to V.G. Ramakrishnan Naidu. The said person was in possession and enjoyment of the property. He died intestate on 24.01.2007 leaving behind his wife R. Sulochana, sons R. Prasath, R. Prabhakar, daughters R. Swarnalatha. The said persons jointly sold an extent of 4050 sq.ft., in favour of K. Baskaran s/o Karunakaran vide sale deed dated 05.04.2010 and the said person died intestate on 14.03.2011. Since he was a bachelor, after his death, his parents K. Karunakaran and K. Rukmani succeeded to his property. They are in joint possession and enjoyment of the property to the extent of 4030 sq.ft.as absolute owners. The said persons jointly sold 2100 sq.ft. under registered sale deed dated 25.04.2012 to the petitioner.

3. The said K. Karunakaran and K. Rukmani enjoyed the remaining extent of 1930 sq.ft, and they executed a settlement deed in favour of their daughter Mrs. Dowthri which was accepted by her. The said Mrs. Dowthri appointed Mr. M. Dinesh Kumar as her power agent. Based on the power, the property was sold by the power agent in favour of Tharunkumar Jain under sale deed dated 07.10.2020. The said Tharunkumar Jain sold 975 sq.ft., to one Yuvakumar vide sale deed dated 05.07.2023 and 975 sq.ft. In favour of the wife of the 1st petitioner, who is the 2nd petitioner by way of sale deed dated 05.07.2023. The said Yuvakumar thereafter sold 955 sq.ft. To the 1st petitioner vide sale dedd dated 06.12.2024. Hence, the suit property is in possession and enjoyment of the petitioners as owners. They have started the construction work in the property. The petitioners are carrying on construction materials business in the property for the past 15 years. The petitioners are in possession and enjoyment of the suit property as absolute owner. In these circumstances, the respondents/defendants are falsely claiming the road in the suit property and attempting to interfere with their possession and enjoyment of the suit property. They have no right, title of interest of the suit property. Hence, the main suit is filed praying for permanent injunction and the present petition is filed seeking interim injunction.

4. The learned counsel for the respondents/defendants would contend as follows. The suit properties mentioned in the schedule comprised in Walajabad Natham Old Sruvey No. 90/1A1, New Survey No. 467/18 to an extent of 2022 sq.ft., belongs to the government of Tamil Nadu. The petitioners are not the owners of the schedule property. Since the petitioners have no right over the suit property, they cannot seek any interim injunction. Since the petitioner attempted to encroach the suit property, the village public gave a complaint based on which an enquiry was conducted by the revenue authorities. In the said enquiry, it was found that the petitioners created several fraudulent sale deeds in respect of the property belonging to the government. The petitioner has deliberately omitted to implead the government authorities as party to the suit. The respondents/defendants are ordinary villagers interest in the welfare of the public and the petitioners/plaintiffs are trying to usurp a public property. The petitioners/plaintiff have access to their property through the Walajahbad main road and therefore, the prayer for permanent injunction is not maintainable. Hence, that the petition has to be dismissed.

5. For the sake of reference, the documents produced by the petitioners/plaintiffs along with the plaint is marked as Ex. P1 to P11 were marked and the documents produced by the respondents/defendants were marked as Ex. R1 to

R5 for reference. On hearing both sides and having perused the materials on record, this court framed the following points for consideration.

1. Whether the petitioners/plaintiff have shown a prima facie case, balance of convenience and irreparable loss?
2. Whether the petition has to be allowed?

Point No. 1:

6. The brief set of facts necessary for the purpose of this petition is as follows. The main suit is filed by the petitioners/plaintiffs in respect of the suit schedule property which is a 'L' shaped cement road measuring 2800 sq.ft. According to the petitioners/plaintiffs, they are the absolute owners of the property situated in Old Survey No. 90/1A1 an Survey No. 467/18A and that the portion earmarked as ABCD is the cement road that is the only access to their property and it is claimed that the said property is a public road which serves as the only access for the ingress and egress for the petitioners' property. Thus, essentially, the petitioners/plaintiff have claimed a right of easement over the property earmarked as ABCD. The present petition is filed by the petitioners against the respondents/defendants on the ground that they interfered with the petitioners from enjoying their right to access the road.

7. The respondents/defendants on the contrary have stated that the property belongs to the government. It is stated that the respondents/defendants are ordinary

public who are interested in the welfare of the village. The necessary parties were not added to the present suit. The petitioners/plaintiffs cannot seek an interim injunction as against the respondents/defendants.

8. On perusal of the documents, it is seen that the sale deeds relied upon by the petitioners are filed. The patta in the name of the petitioners/plaintiffs are also produced. The respondents/defendants have, on the contrary, filed the FMB sketch and the rough sketch to show that the petitioners/plaintiffs have alternate access to their suit property and that they are not dependent on the suit property as alleged by them. The respondents/defendants have filed copies of the plaint in the earlier suits filed by the petitioners/plaintiff where they themselves have claimed the the suit property was grama natham and that the title was perfected by adverse possession. While so, the claim is made in this suit based on sale deeds.

9. On perusal of the plaint it is seen that the suit is to declare their right to access the cement road since it is said to be the only access road to reach the petitioners/plaintiffs. In the main suit, a declaratory right related to easement and the permanent injunction restraining the respondents/defendants from interfering with the possession of the petitioners/plaintiffs. The fact that the petitioner/plaintiff has sought for the same reliefs as mentioned in the interim applications as the final prayer for permanent injunction is apparent from the records. With regard to this position of law,

this court deems it fit to advert to the decision of the Hon'ble Supreme Court of India in the case of *Deoraj vs State Of Maharashtra & Ors* reported in AIR 2004 SC 1975, wherein it was observed as follows.

“Situations emerge where the granting of an interim relief would tantamount to granting the final relief itself. And then there may be converse cases where withholding of an interim relief would tantamount to dismissal of main petition itself; for, by the time the main matter comes up for hearing there would be nothing left to be allowed as relief to the petitioner though all the findings may be in his favour. In such cases the availability of a very strong prima facie case of a standard much higher than just prima facie case, the considerations of balance of convenience and irreparable injury forcefully tilting the balance of case totally in favour of the applicant may persuade the Court to grant an interim relief though it amounts to granting the final relief itself. Of course, such would be rare and exceptional cases. The Court would grant such an interim relief only if satisfied that withholding of it would prick the conscience of the Court and do violence to the sense of justice, resulting in injustice being perpetuated throughout the hearing, and at the end the Court would not be able to vindicate the cause of justice. Obviously such would be rare cases accompanied by compelling circumstances, where the injury complained of is immediate and pressing and would cause extreme hardship. The conduct of the parties shall also have to be seen and the Court may put the parties on such terms as may be prudent.”

Though the facts of the present case stand on a diametrically different footing, this court finds it apt to draw an analogy to the limited extent of the legal principle stated hereinabove. Therefore, the test to be applied for the cases where the interim relief is same as the final relief is that there must a strong prima facie case is which more than just a prima facie case. The considerations of the balance of inconvenience and the irreparable loss must strongly tilt the balance in favour of the petitioner. In the present

case it is to be noted that the petitioners/plaintiffs have filed a copy of the police complaint which is the cause of action for filing this suit. It is seen that the respondents/defendants are not named in the complaint. Thus, there is no material to show a strong prima facie case in favour of the petitioners/plaintiffs that the respondents/defendants actually interfered with the rights of the petitioners/plaintiffs to use the cement road in question. Merely because the petitioner/plaintiff has shown that they prima facie have a title to the suit property, they cannot be entitled to an interim injunction against the respondents/defendants. There is no balance of convenience or irreparable loss shown by the petitioners/plaintiffs. It is relevant to note that the main suit is already ripe for trial. While so, in the absence of a strong prima facie case or any material to show that the balance of convenience and the irreparable loss strongly tilts the balance in favour of the petitioner, the petitioners/plaintiffs are not entitled to any relief as prayed for.

10. For the foregoing reasons, this court finds that the petitioner/plaintiff has failed to satisfy the considerations relevant for grant of an interim relief when the same relief is sought as the final relief in the main suit. As such, the point is answered.

Point No. 2:

11. Since the petitioner/plaintiff has failed to fulfill the necessary requirements for grant of an interim injunction, the petition fails. Thus, this point is answered.

12. In result, this petition is dismissed without costs.

//This order has been partly dictated by me to the Stenographer, transcribed and typed by her in the computer, and partly typed by me in my laptop corrected and pronounced by me in the open Court on this the Thursday the 26th day of March 2026//

Principal District Judge,
Principal District Court,
Kancheepuram.

Exhibits on Petitioner side:

Ex.P.1	05.04.2010	Xerox copy of Registered sale deed executed by Sulochana and 5 others in favour of Baskaran in Doc. 2551/2019
Ex.P.2	25.04.2012	Certified copy of registered sale deed executed by Karunakaran and his wife K. Rukmani in favour of 1 st plaintiff in Doc.No. 2742/2012
Ex.P.3	15.09.2020	Xerox copy of registered settlement deed executed by Karunakaran and his wife K. Rukani in favour of their daughter Dhowthri in Doc.No.3147/2020
Ex.P.4	16.09.2020	Certified copy of registered General Power of Attorney deed executed by Dhowthri in favour of Dineshkumar in Doc.No.3176/2020
Ex.P.5	07.10.2020	Xerox copy of registeed sale deed executed by Dhowthri in favour of Dineshkumar in

		Doc.No.3618/2020
Ex.P.6	05.07.2023	Certified copy of registered sale deed executed by Tharunkumar Jain in favour of the 2 nd plaintiff in Doc.No.4559/2023
Ex.P.7	05.07.2023	Certified copy of registered sale deed executed by Tharunkumar Jain in favour of Yuvakumar , the 2 nd plaintiff in Doc. No.4588/2023
Ex.P.8	06.12.2024	Xerox copy of registered sale deed executed by Yuvakumar in favour of the 2 nd plaintiff in Doc.No.9074/2024
Ex.P.9	--	Copy of the police complaint lodged by the plaintiffs to the Walajabad Police Station.
Ex.P.10	--	Copy of the plaint in O.S.No.134/2025 on the file of the Additional District Munsif Court, Kancheepuram.
Ex.P.11	06.12.2024	Copy of patta stands in the name of the 1 st plaintiff.

Witnesses on Petitioner side: NIL

Exhibits and Witnesses on Respondent side: NIL.

Principal District Judge,
Principal District Court,
Kancheepuram.

Draft/Fair Order
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O.S.No. 243/2025
D.D. 26.03.2026
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