

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
UTHIRAMERUR**

Present: **Ms.R.KRITYA, B.A,L.L.B.**,  
District Munsif cum Judicial Magistrate, Uthiramerur

On this the 10<sup>th</sup> day of April 2026  
**O.S.No. 24 of 2020**  
**CNR No. TNKP10000478-2020**

N. Srinivasan

..... Plaintiff

Vs

1. The Block Development Officer, Uthiramerur
2. The Assistant Engineer (TNEB) Kaliyampoondi
3. The District Collector, Kancheepuram.

..... Defendants

This suit came up before me for the final hearing on 02.04.2026 in the presence of Mr. G. Manikandan, Advocate for Plaintiff and Mr. A.K. Ramesh Babu, Government Pleader, Counsel for Defendants, upon perusal of the available records, and having stood over for consideration till this day this court delivered the following:

**JUDGMENT**

1. This suit has been filed this suit for declaration that the B schedule property is the plaintiffs property and consequential recovery of possession and mandatory injunction directing 2<sup>nd</sup> defendant to remove EB service in B schedule property.

**CASE OF THE PLAINTIFF :**

2. The plaintiff is the absolute owner of the A-schedule property. The suit property was originally owned by Ellusamy Pillai. Munusamy, who is the grandfather of the plaintiff, purchased the suit property from Ellusamy Pillai in the year 1960. The suit property was partitioned between the legal heirs of Munusamy in the year 1972, and the B-schedule property was allotted to the plaintiff's father, Nataraja Pillai. Subsequently, patta was also transferred in his name. By virtue of the family partition and inheritance, the B-schedule property devolved to the plaintiff, who submitted a petition to transfer the patta in his name.
3. In the meantime, the 1st defendant approached the plaintiff for permission to put up a water tank, which the plaintiff granted with the condition to vacate the same after two years. The permission was granted in July 2017. Upon this permission, the 1st defendant put up the water tank and obtained an EB service connection. Now, the plaintiff wishes to construct a compound wall on his property and directed the 1st defendant to remove the tank and EB connection. The 1st defendant promised to vacate the same but did not remove the tank, EB connection, or related structures.
4. The A-schedule property is the entire property assigned to the plaintiff through registered family partition. The B-schedule property, where the water tank has been constructed, is a part of the A-schedule property. Hence, this suit.

**CASE OF THE DEFENDANT :**

5. The written statement filed by the 1st defendant has been adopted by the 2nd defendant. The defendants have stated that the B-schedule property has been in public use for the past 30 years and that the water tank and EB connection were obtained through proper channels. The people in and around Marudham village have been using the water from that tank. Since the plaintiff attempted to vacate the water tank through petitions, the patta standing in the name of the plaintiff was cancelled after due enquiry on 12-01-2021, and the patta was directed to be transferred in the name of the 1st defendant. Accordingly, the patta has been transferred in the name of the 1st defendant. The prayers sought by the plaintiff are not maintainable, and there is no cause of action. Hence, this suit is liable to be dismissed.
6. **Based upon the above said pleadings, this court framed necessary issues as follows :**

*(i) Whether the B schedule property belongs to plaintiff?*

*(ii) Whether the plaintiff is entitled for declaration of title over B schedule property?*

*(iii) Whether the plaintiff is entitled for recovery of possession as prayed for?*

*(iv) Whether the plaintiff is entitled for mandatory injunction as prayed for?*

*(v) To what other reliefs?*

7. The plaintiff examined himself as PW-1 and third party Thirunavukarasu was examined as PW-2 Plaintiff has examined himself as PW-1 and has marked the sale deed dated 24-12-1960 of munnusamy from ellusamy as Ex-A1. And the partition between the plaintiff family was marked as Ex-A2. Patta issued in the name of plaintiff name ass Ex-A3. Rough sketch of suit property as Ex-A4. Petition given before the sub registrar. Legal notice sent by the plaintiff as Ex-A5 the acknowledgement card marked as Ex-A6 and the stay order granted by Hon'ble Madras High court marked as Ex-A7 and the photograph and CD of the suit property marked as Ex-A8. PW-1 was not cross examined by the defendant. Further to prove his case he has examined 3<sup>rd</sup> party as PW-2. No defence side evidence was adduced inspite of sufficient opportunity.

#### **DISCUSSION AND ANALYSIS:**

8. **Issue I:** On a careful perusal of the documentary evidence, it is observed that the plaintiff's claim of absolute ownership is based upon a clear and uninterrupted chain of title, and this Court feels that the title of the plaintiff is substantiated by Ex-A1 and Ex-A2. The root of the title is established through Ex-A1, the registered sale deed dated December 24, 1960, executed in favor of the plaintiff's grandfather, Munusamy. Through this deed, late Munusamy acquired the suit property from one Ellusamy Pillai, thereby effecting a valid transfer of immovable. The subsequent devolution of suit property evident through Ex-A2,

registered family partition deed executed in 2017, wherein 'A' schedule property was allotted to the plaintiff.

9. It is settled principle that a registered partition deed serves as conclusive evidence of the severance of joint status and the vesting of individual rights in the allottee. The patta issued in the name of plaintiff father shows that the plaintiff has succeed the suit property from his father. While a patta is primarily a record of possession for revenue purposes, when it aligns with registered title deeds, it creates a strong evidence of ownership that the defendants have failed to challenge. Furthermore, the testimony of PW-2, an independent witness from a neighboring village, corroborates the plaintiff's narrative that the tank was a recent installation on land recognized as the plaintiff's private holding. This court is satisfied that the plaintiff has the ownership over the suit property.
10. The defendants contention is that the property has been in public use for 30 years remains as a bare assertion, devoid of any supporting testimony or official records. The defendants did not produce any evidence to support that the land was ever classified as natham land in the revenue records. This court take Adverse Inference that the defendants refusal to adduce evidence despite being granted sufficient opportunity leads this Court to presume that their case lacks a factual foundation. Consequently, the Court finds that the plaintiff has successfully established absolute ownership over the 'B' schedule property. Hence this issue in answered in favour of plaintiff.

11. **Issue II:** A decree for declaration under Section 34 of the Specific Relief Act is a discretionary relief granted to a party whose legal character or right to property has been denied or clouded by the adverse claims of another. In the present instance, the defendants actions namely the construction of a permanent structure and the subsequent attempt to mutate revenue records constitute a direct challenge to the plaintiff's proprietary rights. The plaintiff's title is not merely oral but is anchored in registered deeds Ex-A1 and Ex-A2 which, carry a high degree of evidentiary weight.
12. The defendants have attempted to justify their claim by citing a patta cancellation order dated January 12, 2021, passed by the revenue authorities. However, this Court observes that such administrative actions taken during the pendency of a civil suit is against law and such act is subject to question and when the title of the suit is in dispute knowing the same and the revenue authorities ignorantly transfer patta to the 1<sup>st</sup> defendant name creates a serious doubt over the manner of transfer and the enquiry conducted. Further such mutation during the pendency of suit will not bind this courts order. It is a well-settled judicial principle, upheld by the Hon'ble Madras High Court, that revenue authorities possess no jurisdiction to adjudicate upon complex questions of title; their role is limited to the mutation of records based on existing title deeds. Moreover, the existence of a stay order from the Hon'ble High Court, marked as Ex-A7 effectively states that there shall be no mutation of revenue

records. Hence, any administrative change in the patta status nugatory and void for the purposes of determining ownership in this suit.

13. The nature of the 1st defendant's occupation began as a permissive license in July 2017, intended for a specific duration of two years for a limited purpose. Such an arrangement is a bare license, which does not create any estate or interest in the land in favor of the licensee. Upon the expiry of the two-year period and the issuance of the legal notice (Exhibit A5), this license stood revoked by operation of law. Therefore, as the defendants have failed to demonstrate any superior title or a prescriptive right, the plaintiff is rightfully entitled to declaration of his absolute title.
14. **Issue III:** The plaintiff has demonstrated through oral and documentary evidence that his possession of the property was continuous and peaceful until the 1st defendant was permitted to install the water tank. Since the Court has already determined that the 1st defendant entered the premises purely as a licensee, the refusal to vacate the land after the revocation of said license converts the 1st defendant's status into that of a trespasser. Hence, an owner of immovable property is entitled to recover possession.
15. The defendants' plea regarding public utility and the welfare of the villagers does not grant them a legal right to occupy private patta land indefinitely without the explicit consent of the rightful owner. The photographs and CD submitted as Ex-A8 provide visual confirmation of the encroachment and the

specific area occupied by the tank, leaving no doubt as to the identity of the property to be recovered. Given that the plaintiff has successfully proved a superior title and that the 1st defendant's entry was purely permissive and temporary, the defendants have no legal leg to stand on to resist the prayer for possession. The court must prioritize the statutory rights of the true owner over a licensee holding over. Consequently, the prayer for recovery of possession is granted to ensure the plaintiff can exercise his full rights of enjoyment.

16. **Issue IV:** The prayer for a mandatory injunction involves a direction to the defendants to undo an act that violates the plaintiff's rights and to restore the property to its original state. It is necessary to compel the performance of certain acts which the court is capable of enforcing to prevent a breach of an obligation. In this case, the continued presence of the water tank and the EB service connection represents a substantial breach of the 1st defendant's obligation to return the land in its original condition upon the revocation of permission.
17. The EB service connection, being a utility service provided to the 1st defendant, is an ancillary structure that facilitates the unauthorized occupation of the plaintiff's land. As the plaintiff has revoked the initial permission, is obligated to disconnect and remove its installations from the private property of the plaintiff upon the court's direction. Furthermore, the 1st defendant's refusal to remove the tank, despite earlier promises made at the time of entry, necessitates judicial intervention to restore the plaintiff's property rights. There is no evidence on

record to suggest that the removal of these structures would cause an insurmountable public crisis, whereas their presence causes irreparable harm to the plaintiff's right to build upon his own land. Therefore, the court finds it fit to grant the mandatory injunction as prayed for.

18. **Issue V** : By considering the facts and circumstances of this case, this court is not inclined to grant any other relief to the parties. No cost.

**In the result, the suit is decreed. No cost.**

Directly typed by me in my laptop, formatted by me, corrected and pronounced by me in the open court, on this the 10<sup>th</sup> day of April 2026.

District Munsif Cum Judicial Magistrate,  
Uthiramerur.

**LIST OF WITNESS EXAMINED ON THE SIDE OF PLAINTIFF:**

PW1- Srinivsan (Plaintiff)

PW-2 – Thirunavukarasu (Third Party)

**LIST OF DOCUMENTS MARKED ON THE SIDE OF PLAINTIFF:**

Sl. No.	Date	Particulars of Documents	Remarks
Ex. A1	24.12.1960	Sale deed in favour of Munusamy exeucted by Ellusamy	Certified copy
Ex. A2	07.05.2017	Partition deed	
Ex. A3	-	Natham patta stand in the name of plaintiff's	Original

		father Natarajan	
Ex. A4	-	Plaint Rough Sketch	Original
Ex. A5	07.01.2021	Petition copy and Rpad Card	Copy
Ex. A6	20.01.2021	Legal Notice and Acknowledgment Cards	Original
Ex. A7	-	WP No. 6735/2021 and WMP No. 7298/2021 Order	Certified Copy
Ex. A8	-	Photo and CD	

**LIST OF WITNESS AND DOCUMENTS MARKED ON THE SIDE OF DEFENDANTS:**

NIL

District Munsif Cum Judicial Magistrate,  
Uthiramerur.