

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI
Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Wednesday, the 22nd day of July 2026

CNR No.TNKR09-000108-2017

O.S.No. 176/2017

Vembu

.....Plaintiff

/Vs/

Manivelan

.....Defendant

This suit came up on 13.07.2026 for final hearing before this Court, in the presence of Mr.R.M.Senthil, the Learned Counsel appearing for the Plaintiff and in the presence of Mr.R.Krishnaswamy, the Learned Counsel appearing for the Defendant and upon hearing the arguments on both sides and having stood over for consideration till this day, this court delivers the following:

Judgment

This suit has been filed by the Plaintiff for the relief of Permanent Injunction in respect of the suit property thereby restraining the Defendant from interfering with the Plaintiff's possession and enjoyment over the same by way of illegal threats of trespass, dumping waste garbage, by putting up boundary stone etc., or in any manner whatsoever.

Brief averments in the plaint:

2) The suit property and other property are the ancestral joint family property of the Plaintiff and her brothers and sisters and also of deceased Omanthu Muthuraja, who is the father of the Plaintiff. The said Omanthu Muthuraja had seven children namely Valarmathi, Tamilselvi, Gowsalya, Pothumani, Vembu (Plaintiff), Kumaravel and Kathamuthu. Of the above

children Valarmathi, Kumaravel and Kathamuthu are all died. The said Omanthu Muthuraja died intestate in the year of 1996 and his wife Rathinathammal also died in the year of 1999. After the demise of Omanthu Muthuraja and his son Kumaravel, the property are maintained and managed by this Plaintiff for herself and on behalf of other family members. There is no dispute between the family members of Plaintiff and her sisters.

3) During the course of enjoyment, the Government had also transferred patta in favour of the Plaintiff in respect of the suit property in Patta No.1832. During the course of enjoyment, the Plaintiff had raised Cholan and Milch Animal feeding crops and other seasonal crops into the suit property till this date with the aid of water from the Well, which is situated in another survey number belonged to the Plaintiff's family. The Plaintiff had paid kist and other incidental charges for the same. The available adangal extract had also confirmed the right, title and possession of the Plaintiff's over the suit property by the Village Administrative Officer.

4) The Plaintiff has got perfected prescriptive right of title and also got right of adverse possession as well against one and all. None of them has got any right, title and interest over the suit property except the Plaintiff and other family members of the Plaintiff. During the course of enjoyment, the Plaintiff had verified and got knowledge about the immediate west of the suit property, the property which belonged to the Plaintiff's family is situated. But, the Defendant had purchased the property in S.F.No.96/3A alone from the brother of the Plaintiff, in which, the Plaintiff was very shock and dismay the act of the Defendant colluding with the deceased Kumaravel. In any way, the sale deed is not binding upon the Plaintiff and other family members and also the Plaintiff has reserved her right to file another claim in respect of the property in S.F.No.96/3A.

5) The suit property in S.F.No.96/3A belonged to the Plaintiff and other family members in which the immediate west and north the Defendant had purchased the property and put up the compound wall also in and around his property. Moreover, the Plaintiff had raised trees within her limits of the property and survey stones are also existing there. While so, the Defendant had put up the building and running a school in the name and style Mount Giris Higher Secondary School. For the past three and more years, the Defendant and his servants are dumping and throwing the school wastage into the suit property, in which the Plaintiff had warned the Defendant and his servants not to throw any garbage into the suit property and not to disturb the cultivation of the suit property by the Plaintiff.

6) The Defendant and his servants had also colluding together and put up a new boundary stone into the suit property apart from his compound wall with a view to threat the Plaintiff and also demanded the Plaintiff for selling the remaining property of the Plaintiff to the Defendant. The Defendant and her servants are having no right to throw out their garbages into the suit property and the said waste garbages are preventing the Plaintiff from using and raising the cultivation of the suit property. The act of the Defendant is injurious to the suit property as well as the crops raised by the Plaintiff therein. The Plaintiff had warned the Defendant through his servants again and again but the Defendant and his servants are throwing out the waste as well as the garbages into the suit property and also they have been giving threats by way of putting up new survey stones into the suit property.

7) Even on 20.06.2017, the Defendant and his servants are given troubles by way of dumping waste garbage with a view to grab the suit property. However, the Plaintiff had resisted the illegal activities of the Defendant with great difficulty. However, the Plaintiff is not in a position to resist the illegal

atrocities, attitudes of the Defendant continuously and therefore, the Plaintiff has no other mode except to file this suit for Permanent Injunction restraining the Defendant, from interfering with the Plaintiff's peaceful possession and enjoyment of the suit property either by way of illegal trespass, dumping, throwing waste garbage into the suit property or in any manner whatsoever. Hence, this suit.

Brief averments in the Written Statement filed by the Defendant:

8) The Defendant is raising the preliminary issue of Jurisdiction of this Court to try the above suit. Since, the value of the suit property is more than three lakhs, this Court does not have Jurisdiction to try the above suit. The Defendant had purchased the property in S.F.No.96/2A measuring Acre 1.72 Cents, S.F.No.96/4 measuring Acre 1.88 Cents, S.F.No.96/3 measuring Acre 3.88 Cents, S.F.No.96/2B measuring Acre 0.36 Cents and S.F.No.96/5A measuring Acre 1.94 Cents in Sathyamangalam Village, Kulithalai Taluk, Karur by way of a registered Sale Deed dated 01.12.1995 from one Mrs.Amirtham, Mrs.Maruthambal, Mrs.Mariyayi, Mr.Ponnusamy, Mrs.Sarasu, Mr.Suresh, Mr.Omanth and one Mr.Kumarvel. After the execution of the above Sale Deed, the Defendant is in the absolute possession of the above said property. The Defendant is running a school in the above said property in the name of Mount Giris Higher Secondary School for the past 20 years and there are about 1000 number of students studying in the said school.

9) The Defendant has got building approval plan from the Sathyamangalam panchayat and constructed the above said school and there after he is continuously paying the property tax to the panchayat and this Defendant had also obtained electricity connection from Irumboothipati Electricity Board, in the year of 1996 and also paid electricity bills. The Tahsildar, Kulithalai had also issued patta in favour of the Defendant.

10) The Plaintiff herein claims herself to be the one of the daughter of deceased Mr.Omanth, who died in the year 1996. Prior to the death of said Mr.Omanth, this Defendant had obtained the above referred registered Sale Deed from the said Mr.Omanth and others. As per the recitals of the Registered Sale Deed dated 01.12.1995, it is clearly mentioned that the above referred property was an ancestral property. So, after the death of the ancestors, the legal heirs of the ancestors have sold the above referred property to this Defendant. The said Mr.Omanth and his son Kumaravel among others had only executed the said Sale Deed and in the said Sale Deed, the Plaintiff was not a signatory and it is clear that she is not the legal heir of the said Mr.Omanth.

11) The Plaintiff herein has no locus standi to file the above suit as she has claimed herself that the suit property is an ancestral property and the same abuts the Defendant's above mentioned property. To prove that the Plaintiff is the legal heir of the said Mr.Omanth, she has not filed any document before this Court. According to this Defendant, the Plaintiff is an encroacher of the suit property and have illegally obtained patta in the year 2014 and started to create problems to this Defendant.

12) The Defendant's entrance is situated on the Ayyarmalai to Thimampatti road and the Plaintiff who alleges herself to be the owner of the schedule mentioned property is situated on the left hand side of the gate/entrance of the Defendant's above referred property.

13) After obtaining Patta, the Plaintiff is causing great hindrance to the Defendant by blocking the road and by laying big rocks abutting the road, so that the school bus which enters school had to go through the big rocks, causing severe damage to the bus and to the children who are being commuted via the school bus. So, to protect the school children and the road, this Defendant had applied to the Panchayat authorities to measure the road, after such a request

was made, the Plaintiff herein started to put more rocks in the road. Having no other option other than to protect the Defendant's property, the Defendant herein erected a ready made compound wall near the road abutting the Defendant's alleged property, so that the school bus can travel without any hindrance.

14) Aggrieved against the laying of the fence, the Plaintiff herein had demolished the fence and threatened to kill this Defendant. So, this Defendant gave a complaint to the Inspector of Police, Kulithalai Police Station on 15.10.2015 and the same is pending till date. The Plaintiff has filed the above suit on a concocted cause of action and only with the sole intention to harass this Defendant, so that this Defendant will purchase the schedule property from the Plaintiff who is not the owner of the property. The Plaintiff has only filed patta, chitta and adangal to prove her alleged possession in the suit property and no documentary proof of title deeds were produced by her to prove her title in the suit property.

15) The Plaintiff who alleges herself to be one of the legal heirs of the said Mr.Omanth cannot claim absolute ownership/enjoyment of the schedule mentioned property and hence the suit is liable to be dismissed. All other averments contained in the plaint from Para No.3 to 8 are hereby denied by this Defendant. The Plaintiff is put to strict proof of them all. The Defendant had purchased the property from the owners of the property by way of a registered Sale Deed registered in Document No.1130/1995 and in the said Sale Deed all the owners had signed including the said Mr.Omanth and Mr.Kumaravel, so the Defendant's above referred property has been purchased from all the legal heirs of the ancestors and the Plaintiff who is an encroacher has no sanctity to question the right of the Defendant. This Defendant had raised compound wall only on his property, so there is nothing wrong in laying compound wall over his property.

16) The Government of India represented by Ministry of Human Resources Development had formulated a policy in the year 2014 for cleanliness in school and the policy was named as Swatch Vidyalaya. As per the said scheme every school in the rural area must have two types toilet for girls and boys and every school must provide adequate number of dustbin to throw the waste. As a law abiding citizen, this Defendant has placed dustbin in every class room and there are adequate dustbins outside the classrooms too and the Defendant takes an initiate to dump the waste through solid waste management in Kulithalai Municipality and as per the records, the municipality had 100% efficiency in the solid waste management. This being the case, this Defendant has no necessity to dump the solid waste into the suit property and this Defendant is scrupulously following the policy of Swatch Vidyalaya and the waste are being given to the municipality's solid waste management.

17) Therefore, neither the Defendant nor his servants had allegedly dumped the waste in the suit property as claimed by the Plaintiff. Assuming but not conceding if this Defendant dumps the waste near by property, it will only affect the health of the students, so this Defendant never dumped the waste in the suit property. The Defendant has no necessity to grab the land of the alleged Plaintiff's land, when the Plaintiff herself is not the owner of the property and no such incident taken place on 20.06.2017 as claimed by the Plaintiff in the Plaint.

18) The Plaintiff has alleged that this Defendant had dumped the waste in the suit property on 20.06.2017, but the suit itself came to be filed on 28.07.2017, so it is clear that no such event as claimed by the Plaintiff had taken place. The Plaintiff has no proper and valid cause of action to file the above suit and she has not proved prima facie case and she has not proved the ingredients of Order 39 Rule 1 & 2 and the suit for mere injunction is liable to be dismissed with exemplary cost.

Brief averments in the additional written statement filed by the Defendant:

19) The property to an extent of 49 cents situated within four boundary out of acre 4.24 cents comprised in S.F.No.96/3 and S.F.No.96/2B of Sathiyamangalam village and other properties were purchased by the defendant from Amirtham and others for a good and valuable consideration of Rs.1,85,000/-by virtue of a registered sale deed dated 1-12-1995. The aforesaid sale deed dated 01-12-1995 was duly executed by Omandhu and his son Kumaravel. This defendant alone has been in possession and enjoyment of the entire property measuring 49 cents situated to the North and East of road, South of S.F.No.96/3A, West of the other properties of Omandhu as a true and absolute owner.

20) The property situated in between the east-west road and S.F.No. 96/2A of Sathiyamangalam village was also transferred under the aforesaid registered sale deed dated 01-12-1995. This defendant has been reaching the road on the southern side at all points of his property. Plaintiff has no possession and title in and over the entire property in all comprised in S.F.No.96/3B of Sathiyamangalam village. This suit without a prayer for declaration of title and without prayer to set aside the sale deed dated 01-12-1995 is not maintainable. All the allegations contained in the Para No. 3 to 8 of the plaint are false, misleading and denied by the Defendant. Hence, this suit is liable to be dismissed.

Issues:

21) Upon perusal of the pleadings and material records available on hand, this Court has framed the following issues:

1	தாவா சொத்து வாதிக்கு பாத்தியப்பட்டு வாதியின் அனுபவத்திலும்,
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	சுவாதீனத்திலும் உள்ளதா?
2	வாதி கோரிய நிரந்தர உறுத்துக் கட்டளை பரிகாரம் வாதிக்கு கிடைக்கத்தக்கதா?
3	வாதிக்கு கிடைக்கக்கூடிய இதர பரிகாரம் என்ன?

Evidence:

22) On the side of the Plaintiff, the Plaintiff was examined as PW1 and through her Ex.A1 to Ex.A3 were marked. The Plaintiff side evidence was closed with PW1. On the other hand, on the side of the Defendant, the Defendant was examined as DW1 and through him Ex.B1 to Ex.B7 were marked. Hence, the Defendant side evidence was closed with DW1.

Discussion:

Answer to Issue No. 1 and 2:

23) It is the case of the Plaintiff that the suit property and other property are the ancestral joint family property of the Plaintiff, her brother and sister and also of her father namely Omandhu Muthuraja. Further, she alleged that the said Omandhu Muthuraja who is the father of the Plaintiff died intestate in the year of 1996. Further, she alleged that the said Omandhu Muthuraja had seven children and out of them Valarmathi, Kumaravel and Kathamuthu are all died. Further, the Plaintiff alleged that after the demise of Omandhu Muthuraja and his son Kumaravel, the Property are maintained and managed by the Plaintiff for herself and on behalf of other family members and in respect of the suit property, the Government had also transferred Patta in favour of the Plaintiff in Patta No.1832.

24) Further, the Plaintiff alleged that he has been in the possession and enjoyment of the suit property by way of raising Cholan and other seasonal crops and milch animal feeding crops till this date with the aid of water from the Well which is situated in another survey number which belonged to the Plaintiff's family. Further, the Plaintiff alleged that she had been paying kist and other incidental charges for the suit property. The Plaintiff also alleged that the Defendant had purchased the property which belonged to the Plaintiff's family in S.F.No.96/3A from the brother of the Plaintiff colludingly and the said sale deed is not binding upon the Plaintiff and other family members. Further, the Plaintiff has stated that she reserved her right to file another claim in respect of the above suit property in S.F.No.96/3A.

25) This being so, the Plaintiff contended that to the immediate West and North of the property, the Defendant had purchased the property and had put up compound wall in and around his property and he has been running a school namely Mount Giris Higher Secondary School. Further, the Plaintiff alleged that the Defendant and his servants have been putting and throwing and dumping school wastages into the suit property despite several warnings given by the Plaintiff. However, the Defendant had not stopped their illegal act of dumping and throwing wastages and garbages into the suit property. Further, the Plaintiff alleged that on 20.06.2017 when the Defendants and his servants are giving troubles by way of dumping waste garbages into the suit property and the same was resisted by the Plaintiff with great difficulty and the said threat by the Defendant is continuous and therefore the Plaintiff had filed the above suit for the relief of Permanent Injunction in respect of the suit property against the Defendant.

26) Per contra, it is the case of the Defendant that the Defendant had purchased that the property in S.F.No.96/2A, 96/4, 96/3, 96/2B and 96/5A in

Sathyamangalam Village by way of a registered Sale Deed dated 01.12.1995 from the above said Omandhu, Kumaravel and others. Further, the Defendant alleged that he has been running a school in the name of Mount Giris Higher Secondary School in the above said property for the past 20 years and 1000 number of students are studying in the school. The Defendant also alleged that he has got proper building approval plan from the Sathyamangalam Panchayat and also obtained electricity service connection during the year of 1996 itself and has been in the continuous possession and enjoyment of the suit property.

27) Further, the Defendant alleged that in the above said sale deed dated 01.12.1995, it has been clearly mentioned that the above referred property was an ancestral property. Therefore, after the death of the ancestors, the legal heirs of the ancestors have sold the above property to the Defendant and in the above said sale deed, the Plaintiff was not a signatory. Further, the Defendant alleged that he has been in the possession and enjoyment of the above said property by way of obtaining patta for the same. However, he further alleged that after obtaining Patta, the Plaintiff is causing great hindrance to the Defendant by blocking the road and by laying big rocks abutting the road, so that the school bus which enters school had to go through the big rocks, causing severe damage to the bus and to the children.

28) This apart, the Defendant also alleged that it is the Plaintiff who has been threatening the Defendant to demolish the fence around his property and police complaint was also filed by this Defendant against the Plaintiff before the Inspector of Police, Kulithalai Police Station on 15.10.2015. Further, the Defendant alleged that he has been in the possession and enjoyment of the entire property measuring 49 Cents situated on the north and east of road, south of S.F.No.96/3A, west of the other property of Omandhu as a true and absolute owner. Further, the Defendant alleged that the property situated in between the

east-west road and S.F.No.96/2A of Sathiyamangalam Village was transferred to the Defendant under the above said sale deed dated 01.12.1995 and this Defendant has been reaching the road on the southern side at all points of his property only. Therefore, the Defendant had sought to dismiss this suit as this Plaintiff has no possession and title in and over the entire property in S.F.No.96/3B of Sathiyamangalam Village.

29) To substantiate the above case of the Plaintiff, the Plaintiff examined herself as PW1 and through her Ex.A1 to Ex.A3 were marked. PW1 in her chief examination affidavit had reiterated the plaint averments. Ex.A1 is the certified copy of the Patta in Patta No.1832 dated 03.03.2024. Upon perusal of Ex.A1, it is seen that in respect of the property which is situated in Sathiyamangalam Village, Kulithalai Taluk in S.F.No.96/2B2, 96/3B, 96/5B, 96/6A the said Patta is standing in the name of the Plaintiff. From the above said Patta, it is seen clear that in respect of the suit property in S.F.No.96/3B in Sathiyamangalam Village to the entire extent of Hec.1.41.00 Ares, the said separate patta is standing in the name of the Plaintiff along with the other property.

30) Ex.A2 is the downloaded copy of the Patta in Patta No.1832 dated 01.07.2014. Upon perusal of the Ex.A2, it is seen that for the suit property in S.F.No.96/3B in Sathiyamangalam Village, to an extent of Hec.1.41.00 Ares and for other property as well, the said separate patta is standing in the name of the Plaintiff. Ex.A3 is the Kist Receipt dated 12.07.2017 which is standing in the name of the Plaintiff in respect of the Patta No.1832 for the fasli year of 1427. Upon perusal of Ex.A3, it is seen that in respect of the suit property and other property which are comprised under Patta No.1832, the said payment was made by the Plaintiff by herself on the above said date. This apart, in the cross examination of PW1, PW1 had admitted as to the existence of the sale deed in

the name of the Defendant, who purchased certain property from her father Omandhu and her brother Kumaravel and admitted that the said property is situated to the north of the suit property.

31) She further admitted in her cross examination that the entrance gate of the Defendant's school is situated on the southern eastern corner of the property purchased by the Defendant. Further, PW1 also admitted that in order to reach the east-west road which is situated on the southern side of the suit property, the Defendant had to cross the 3 feet breadth land which is situated in between the entrance gate of the Defendant's school and the said east-west road. Further, she also deposed that to the south of her property in S.F.No.96/3B, the said east-west road situated. Further, PW1 also admitted that the Defendant has been in the possession and enjoyment of the property purchased by him the way of the above sale deed by way of constructing a school therein. Therefore, the Plaintiff side evidence was closed with PW1.

32) On the other hand, on the side of the Defendant, the Defendant was examined as DW1 and through him Ex.B1 to Ex.B7 were marked. DW1 in his chief examination affidavit had reiterated the case of the Defendant as alleged in the written statement. Ex.B1 is the downloaded copy of the registered sale deed dated 01.12.1995. Upon perusal of the Ex.B1, it is seen that this Defendant had purchased certain property situated in Sathiyamangalam Village from several persons including the said Omandhu and Kumaravel who are none other than the father and brother of the Plaintiff. Further, it is seen that by way of the above said registered sale deed this Defendant had purchased the property in Sathiyamangalam Village in S.F.No.96/2A to an extent of Acre 1.72 Cents, S.F.No.96/4 to an extend of Acre 1.88 Cents, S.F.No.96/3 and S.F.No.96/2B to the total extend of Acre 0.49 Cents and S.F.No.96/5A to an extend of Acre 0.22 Cents.

33) Upon perusal of the Ex.B1, it is further seen that out of the property situated in S.F.No.96/3 to the extent of Acre 3.88 Cents and the property in S.F.No.96/2B to the extent of Acre 0.36 Cents, out of the above total extent of Acre 4.24 Cents, the property to an extent of Acre 0.49 Cents alone within particular four boundary has been sold to this Defendant by way of the above said Ex.B1 registered Sale Deed. Therefore, it is seen clear that for the property situated in S.F.no.96/3 and 96/2B, an extend of Acre 0.49 cents alone in the above said two survey numbers within the four boundary as specified therein has been sold to the Defendant.

34) Upon perusal of the four boundary description of the property purchased by this Defendant in S.F.No.96/3 and S.F.No.96/2B to an extent of Acre 0.49 Cents, it is seen that the said Acre 0.49 Cents in the above two survey numbers is situated to the north of the road, to the west of the remaining lands of the said Omandhu, to the south of the land in S.F.No.96/2A and to the west of the land which belongs to the Venkatachalam and the road. Therefore, it is seen clear that the said property which has been alleged to be purchased by the Defendant in the said S.F.No. 96/3 and 96/2B to an extent of Acre 0.49 Cents is situated within the above said four boundary which is more specifically to the north of the road.

35) This apart, Upon perusal of the Ex.B1, it is seen that the sellers of the above said sale deed had claimed the sale deed mentioned property as their ancestral property and sold the same to the Defendant herein. Ex.B2 is the Electricity Bill receipts (2 Nos.) paid by this Defendant for the Service Connection No.1142, dated 28.08.2012 and 20.01.2011 respectively. Ex.B3 is the Building Plan Approval dated 31.08.2009 issued by the Village President, Sathiyamangalam Village, Kulithalai Taluk to this Defendant for the construction of the building in S.F.No.96/3, 96/2B, 96/4, 96/5A and 96/2A in

Ayyermalai, Sathiyamangalam Village, Kulithalai Taluk. Ex.B4 is the notice of Demand for House Tax/Property Tax issued by the Village President, Sathiyamangalam Village to this Defendant thereby demanding the property tax for the school constructed by the Defendant for the period of 2013-2014.

36) Ex.B5 is the certified copy of the FMB Sketch for the property in S.F.No.72 of Sathiyamangalam Village. Upon perusal of Ex.B5, it is seen that in the property in S.F.No.72 of Sathiyamangalam Village a cart track has been shown therein which is situated to the south of the property in S.F.No.96. Ex.B6 is the certified copy of the FMB Sketch in respect of the property in S.F.No.96 of Sathiyamangalam Village dated 16.11.2022. Upon perusal of the Ex.B6, it is seen that in the south and western corner of the property in S.F.No.96, the property in S.F.No.96/3A is situated. Further, to the east of the property in S.F.No.96/3A, the property in S.F.No.96/3B is situated. Further, it is also seen that in the said FMB Sketch, it is seen that to the south of the property situated in S.F.No.96/3A, a triangular portion of land which is running from east-west is situated within the property in S.F.No.96/3B and to the south of the said triangular portion of the land in S.F.No.96/3B, the road as alleged to be in S.F.No.72 on the southern side is situated.

37) Ex.B7 is the downloaded copy of the grant of renewal of recognition of the defendant school dated 21.10.2025 issued by the Joint Director, Directorate of Private Schools. Upon perusal of the Ex.B7, it is seen that recognition is granted for running of the school by the Defendant from 16.09.2024 to 15.09.2027 for the classes from L.K.G. to 12th Standard. It is also seen that the above permission was granted by the above said proceedings of the Joint Director, Directorate of Private Schools, Tamil Nadu subject to certain conditions which have been specified therein.

38) This apart, DW1 in his cross examination had deposed,

"வாதியின் தந்தை மற்றும் மகனிடமிருந்து சுமார் 49 சென்ட் வாங்கினேன். மேற்படி 49 சென்ட் நிலத்தை நான்கு எல்லைகள் கண்டு கிரையம் பெற்றேனா என்றால் ஆமாம். மேற்படி இடத்தில் பள்ளியின் அலுவலகம் மட்டுமே உள்ளது. தாவா சொத்திற்கு மேற்கே பள்ளியின் சுற்றுச்சுவர் உள்ளதா என்றால் ரோடு வரை சுற்றுச்சுவர் உள்ளது. மேற்படி சுற்றுச்சுவர் தென்வடலாக அமைந்துள்ளது என்றால் சரிதான். தாவா சொத்திற்கு வடக்கு மற்றும் மேற்கே எனக்கு நிலம் உள்ளதா என்றால் சரிதான். மேற்படி வடக்கே வேலி உள்ளதா என்றால் இல்லை. சுற்றுச்சுவர் தான் உள்ளது. தென்வடல் சுற்றுச்சுவருக்கு கிழக்கும் மற்றும் கிழமேல் சுற்றுச்சுவருக்கு தெற்கும், வாதி விவசாயம் செய்து வருகிறாரா என்றால் இல்லை. ரோடுதான் உள்ளது. தாவா சொத்தில் விவசாயம் நடைபெறுகிறதா என்றால் இல்லை. தாவா சொத்தில் கிணறு உள்ளதா என்றால் இல்லை. தாவா சொத்திற்கு தெற்கே ரோடு உள்ளதா என்றால் உள்ளது."

39) Further, DW1 in his cross examination had admitted that the Plaintiff had approached many times not to throw any waste in the suit property and disputed the same with this Defendant. In this regard, DW1 in his cross examination had deposed,

"அதிகம் முறை நாங்கள் வாதி கேட்டுக்கொண்டதன் பேரில் குப்பைகளை அப்புறப்படுத்தி சுத்தம் செய்து கொடுத்துள்ளோம்."

40) This being so, upon perusal of the documents exhibited on both the sides and on perusing the deposition of the witnesses on both sides, it is seen clear

that in respect of the entire extent of the suit property, Patta was obtained by the Plaintiff during the year of 2014 itself. But, prior to the same, during the year of 1995 itself, this defendant had purchased several property from several persons including the father and brother of the plaintiff by way of a registered sale deed in Ex. B1, dated 01.12.1995

41) It is also clear that at the time of purchase of property by this defendant by way of Ex.B1, the said lands remained without any sub-divisions and the property to an extent of Acre 0.49 cents in S. F. No. 96/3 and S. F. No. 96/2B was sold to this defendant by specifying a separate four boundary for the same. It is further seen that even after the purchase of the said property by this defendant, it remained without any sub-division even at the time of construction of the school by this defendant in the said land. It is also seen that subsequently the said property in S.F.No.96/3 was sub-divided into S.F.No.96/3A on the western side and S.F.No.96/3B on the eastern side.

42) It is also seen that the property which is alleged to have been purchased by this Defendant in Ex.B1 under S.F.No.96/3 and S.F.No.96/2B within a specified four boundary, is situated to the north of the east-west road as found in Ex.B1 sale deed. But, Upon perusal of the FMB Sketch in respect of the S.F.No.96, it is seen that a small portion of land running in a triangular shape is situated in between the south of the property in S.F.No.96/3A and north of the east-west road. However, the said triangular Portion was covered under the property in S. F. No. 96/3B in the said FMB.

43) It is a Settled position of law that boundaries will prevail over the extent and Survey numbers of the property. By applying the said proposition of law to the case in hand, it is seen clear that as per the recitals and the four boundaries shown in Ex.B1 Sale deed, the property in S.F.No. 96/3 and S.F.No.96/2B was purchased by this defendant and that property is situated to the north of the east-

west road and to the west of the suit property herein S.F.No.96/3B. Therefore, it is seen clear that as per the Ex.B1 sale deed, this Defendant is seen to be the owner of his land which also covers the said triangular portion of land in S.F.No. 96/3B, though the Patta for S.F.No.96/3B is standing in the name of this plaintiff.

44) It is also seen that this plaintiff had also admitted during his cross examination, as to the possession of this defendant of the land purchased by him from the father and brother of the plaintiff. Further, this Plaintiff had also admitted as to the possession and enjoyment of this Defendant over the said triangular portion of land Situated in between the entrance gate of the Defendant's school and the east-west road. However, the said triangular portion of land is shown to be in S.F.No. 96/3B in the FMB sketch for the same.

45) Though patta is standing in the name of this plaintiff for the entire extent of the property in S.F.No. 96/3B, the plaintiff had not produced any document of title over the said land. The plaintiff had taken a stand in her plaint that the suit property is her ancestral property and also of her brother, sisters and father. But in her cross examination, she deposed that the suit property is the self-acquired property of her father and hence, the above averments and deposition are contradictory to each other.

46) However, this suit has been filed by the plaintiff only for the relief of permanent injunction as against the dumping of wastages over the property in S.F.No.96/3B, more specifically on the western side of the Suit property by the Defendant. The only major contention of this Plaintiff which is evident from the cross examination of PW1 and DW1 as well, is that this defendant and his servants are disturbing the cultivation of the land in the Plaintiff's possession by throwing wastes and garbages on the western side.

47) Moreover, the plaintiff has questioned and alleged about the validity of the Ex. B1 sale deed in her plaint, but she has not sought for any relief against the same nor obtained any leave from this court for filing a separate suit in this regard. This being so, this suit is filed only for the relief of permanent injunction against the action of dumping of waste into the western side of the property in the Plaintiff's possession. Therefore, this court is not inclined to look upon the title of the Plaintiff of the said property in this bare injunction Suit.

48) Therefore, it is admitted by the DW1 in his cross examination that to the east of his school land, the plaintiff has been in the possession of the property in S.F.No.96/3B. Further, the DW1 had admitted that as required by the plaintiff, he had cleared and cleaned all the wastages which has been been thrown on the western portion of the property in S.F.No.96/3B for several times. Hence, this defendant himself had admitted as to the throwing of wastages into the western side of the the property in S.F.No.96/3B, in which this plaintiff is in the possession.

49) This being so, this suit being filed for bare injunction only in respect of dumping of wastages by this defendant on the western portion of the property in S.F.No. 96/3B, which is evident from the documents and deposition of the both side witnesses. This court is of the view that the plaintiff had established her possession over the land in S.F.No.96/3B excluding the land purchased by this Defendant in Ex.B1 sale deed within specified boundaries. Further, the Plaintiff also proved as to the dumping of wastages thrown by the Defendant on the western portion of the property in S.F.no.96/3B which this Court feels that this threat might continue. Therefore, this Court finds that the Plaintiff is entitled to the relief of Permanent Injunction against the Defendant against the act of throwing of wastages or dumping of wastages on the western portion of the

property in S.F.No.96/3B, excluding the land purchased by this Defendant in Ex.B1 sale deed. Hence, the above two issues are answered affirmatively.

Issue No.3:

50) After having determined all the above issues, this Court finds that the Plaintiff is not entitled to any further relief.

Result:

In result, this Suit is decreed in favour of the plaintiff for the following relieves:

1) The plaintiff is entitled to the relief of Permanent Injunction against the act of dumping of wastages in the western portion of property in S.F.No.96/3B of Sathiyamangalam Village, against this Defendant, excluding the land purchased by this Defendant by way of the sale deed dated 01.12.1995 in Ex.B1.

2) The Defendant or his men are hereby restrained from dumping any kind of wastages in the property in S.F.No.96/3B of Sathiyamangalam Village, excluding the land purchased by the Defendant in Ex.B1 sale deed.

3) There shall be no order as to costs.

Dictated to my steno-typist, directly typed by her in the computer, corrected by me and pronounced by me in the open court on this the 22nd day of July 2026.

**Additional District Munsif,
Kulithalai.**

List of Witnesses examined on the side of the Plaintiff:**PW1- Vembu (Plaintiff)****List of Witnesses examined on the side of the Defendant:****DW1- Manivelan (Defendant)****List of documents marked on the side of the Plaintiff:**

Ex.A1	03.03.2024	The certified copy of the Patta in Patta No.1832
Ex.A2	01.07.2014	The downloaded copy of the Patta in Patta No.1832
Ex.A3	12.07.2017	The Kist Receipt

List of documents marked on the side of the Defendant:

Ex.B1	01.12.1995	The downloaded copy of the registered sale deed
Ex.B2	28.08.2012 and 20.01.2011	The Electricity Bill receipts (2 Nos.) paid by this Defendant for the Service Connection No.1142.
Ex.B3	31.08.2009	The Building Plan Approval.
Ex.B4	-	The notice of Demand for House Tax/Property Tax
Ex.B5	07.08.2019	The certified copy of the FMB Sketch for the property in S.F.No.72 of Sathiyamangalam Village.
Ex.B6	16.11.2022	The certified copy of the FMB Sketch in respect of the property in S.F.No.96 of Sathiyamangalam Village

Ex.B7	21.10.2025	The downloaded copy of the grant of renewal of recognition of the defendant school issued by the Joint Director, Directorate of Private Schools.
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**Additional District Munsif,
Kulithalai.**