

**IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**

**Present :** Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munsif, Vadipatti

**Dated this the 12<sup>th</sup> day of March 2026**

**O.S. No.101 / 2018**

**CNR No.TNMD190001212018**

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1. M. Ananthan,  
S/o. V. Muthurula Kone (Late)

---- Plaintiff

//Versus//

1. Kannusamy,  
S/o. Veeranakonar
2. \*S. Parvathi,  
W/o. Kannusamy

---- Defendants

***\* Amended as per order passed in IA. No.1 of 2023, dated 16.02.2023***

This suit was filed before this Court on 03.08.2018 coming before me for final hearing on 12.03.2026, Advocate Thiru. B. Murugan appeared for the Plaintiff. Advocate Thiru. K. Santhanakaruppasamy appeared for the defendants. Upon hearing the arguments advanced by both side's counsels and upon perusing the available material records, today this Court has delivered the following....

**JUDGMENT**

1. The suit was filed seeking permanent injunction against the respondents.

**2. Plaint facts in brief:**

- i. The plaintiff pleaded as the plaintiffs father Muthirula kone was in possession of the suit property since 1961. At that time as the plaintiff's father was called as samiyadi, few kist receipts were given as sa. Muthirula kone. The kist receipts were also obtained in the

name of plaintiff's mother Vadugammal and wife Irulayee. Also UDR patta was granted in the name of the plaintiff's father on 30.05.1991. Later on 23.03.2016, the plaintiff's father died leaving behind the plaintiff's mother, sister and the plaintiff. Further on 07.05.2018, the plaintiff's mother and sister executed a release deed for their share of the suit property in favor of the plaintiff on 29.06.2018. Thereby the plaintiff became the title holder of the suit property. The plaintiff also fixed the suit boundaries by applying to surveyor to measure the suit property in the presence of the defendant. In such scenario, on 28.07.2018, the defendants tried to dispossess the plaintiff, aggrieved by which the plaintiff filed this suit.

### **3. Facts in the written statement in brief**

i. In the written statement, the defendants denied the entire claim of the plaintiffs and claimed that the suit property originally belonged to one Muthuirula kone and purchased by Veilankone on 21.07.1949. After the death of Veilankone, his sons P.V. Karuppanakonar and P.V. Sundararaja konar sold his fathers properties including the suit property to the 2<sup>nd</sup> defendant on 30.12.1996. Since then the suit property and the other properties purchased by the 2<sup>nd</sup> defendant were in possession and enjoyment of the defendants. All these facts were known to the plaintiffs family. During U.D.R. survey, patta was wrongly issued in the name of the plaintiffs father. As the suit property was purchased by the defendants and a part of the property was in possession of the defendants, the plaintiffs ought to have filed this suit for declaration. The release deed executed by the plaintiff's mother and sister in favor of plaintiff was a void document.

4. On the perusal of plaint, written statement and entire records, issues were framed as follows,

***I. Whether the plaintiff is in possession of the suit schedule property?***

***II. Whether the plaintiff's possession was disturbed by the defendants?***

***III. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?***

***IV. Whether the plaint was bad for not seeking declaration of title?***

***V. To what other relief?***

***VI. For the costs?***

5. The plaintiff to prove their case had examined himself as Pw.1 and marked documents from Ex.A.1 to 15; Ex.A.1 was the Tax receipts in the name of Muthuirulan (1972-2016), Ex.A.2 was the Tax receipts in the name of Muthuirulan (1967), Ex.A.3 was the Death certificate of Muthuirulakonar, Ex.A.4 was the Legal heir certificate of Muthuirulakonar, Ex.A.5 was the Release Deed dated 07.05.2018, Ex.A.6 was the House tax receipt in the name of Ananthan, Ex.A.7 was the Encumbrance Certificate, Ex.A.8 and 9 were the Encumbrance Certificate, Ex.A.10 was the House tax receipt in the name of Ananthan, Ex.A.11 was the Mortgage Deed in doc. no.676/1996, dated 10.05.1996, Ex.A.12 was the Tahsildar Notice, Ex.A.13 was the Sale deed in doc. no.1473/1949, dated 21.07.1949, Ex.A.14 was the Sale deed in doc. no.676/1997, dated 20.12.1996 and Ex.A.15 was the Patta No.596 in the name of the plaintiff.

The defendants to prove their case had examined Dw.1 and further marked Ex.B.1; Ex.B.1 was the Encumbrance certificates.

## **6. Point for determination:**

**Issue I: Whether the plaintiff is in possession of the suit schedule property?**

**Issue II: Whether the plaintiff's possession was disturbed by the defendants? and**

**Issue III: Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?**

i. Heard both sides and records perused. For the sake of convenience in discussion and based on the nature of the issues, the above issues are discussed and answered together.

ii. The learned plaintiff counsel had argued as, the suit property was natham land and during UDR patta was issued in the name of the plaintiff's father based on continuous possession. At present, after the death of the plaintiff's father the suit property devolved upon the plaintiff's family and the other family members executed a release deed for their shares in favor of the plaintiff, thereby the plaintiff become the title holder of the suit property and was in its possession. As the plaintiff's possession was disturbed by the defendants, this suit was filed seeking permanent injunction. The sale deeds relied on by the defendants were not relevant to this property. The plaintiff had proved his case by reliable

evidence. Thus the suit may be decreed.

iii. The learned defendant counsel had argued as, the plaintiff was claiming false possession based on name similarities between the plaintiffs father and the defendants vendor. The house tax receipts filed by plaintiff had different door numbers. The plaintiff did not file any document of possession before Ex.A.5 – release deed. Ex.B.1 – encumbrance certificate show the defendants title and possession in the suit property. The defendants admit the possession of the plaintiff in the house but the vacant land in the suit property belong to the defendants. As the defendants were in possession of the vacant land in the suit property, the suit may be dismissed.

iv. The plaintiff filed this suit for permanent injunction against the defendants in the suit property. In order to claim the relief the burden is on the plaintiff to prove his possession and the disturbance made by the defendants in the suit property.

v. To prove his case the plaintiff had examined himself and marked documents from Ex.A.1 to 15. The plaintiff had deposed in consonance with the plaint as Pw.1, as possession cannot be proved by oral evidence, this court devolves into the documentary evidence. Among the plaintiffs documents;

**Ex.A.1** was the house tax receipts in the name of Muthuirulan (1972-2016), in which the tax receipt for the years 1988-89 and 1989-90 were in the name of Sa. Muthurilan and without door numbers. The tax receipts for the years 2010-11, 2012-13, 2014-15, 2015-16 were in the name of V.Muthirulan for the door no.241.

**Ex.A.2** was the house tax receipts in the name of; Irulayee for the years 1961, 1963 and 1964, Sa. Muthirilakon for the year 1972.

**Ex.A.3** was the Death certificate of Muthu irulakonar, stating he died on 23.03.2016.

**Ex.A.4** was the Legal heir certificate of Muthu irulakonar, showing the plaintiffs mother, the plaintiff and the plaintiffs sister were the legal heirs of the plaintiff's father.

**Ex.A.5** was the Release Deed dated 07.05.2018, by which the mother and sister of plaintiff had executed release deed for their shares in the suit property in favor of the plaintiff.

**Ex.A.6** was the House tax receipt in the name of Ananthan, for door no.241 for the year 2018-19.

**Ex.A.7** was the Encumbrance Certificate, showing nil encumbrance for the suit property from 1987 to 2018.

**Ex.A.8 and 9** were the Encumbrance Certificate for the suit property from 1967-1986 and 2018 – 2019 showing the entry of Ex.A.5 - release deed.

**Ex.A.10** was the House tax receipt in the name of Ananthan, for the year 2019-2020, for door no.241.

**Ex.A.11** was the Mortgage Deed in doc. no.676/1996, dated 10.05.1996, to show that this document number mentioned in the written statement of the defendants was irrelevant to this suit property.

**Ex.A.12** was the surveyor notice, to measure the suit property and with certificate as the property was measured.

**Ex.A.13** was the Sale deed in doc. no.1473/1949, dated 21.07.1949, by which one Veilankonar purchased properties from Muthirulakon,S/o. Veerannakone. In this sale deed among the other properties two natham lands of dimensions 35 x 32ft with house and 30 x 30ft vacant land was included.

**Ex.A.14** was the Sale deed in doc. no.676/1997, dated 20.12.1996 by which the properties were purchased by the 2<sup>nd</sup> defendant from the sons of Veilankonar namely Karuppannakonar and Sundararajakonar. Among the properties natham land of 900 sq.ft in survey no.599/6 and 599/7 was included.

**Ex.A.15** was the Patta No.596 in the name of the plaintiff for the suit property in survey no.599/7 of extent 0.47sq.m.

v. From appreciation of the plaintiff side documents, it is clear that the suit property was a natham land with a house. Further from Ex.A.1, 2 and 6 house tax receipts, the plaintiff had shown that he was in possession of the house in door no.241 of 286 sq.ft located in the suit property. Though the defendants had denied that the name of the plaintiff's father seems to be different in few receipts, thereby claiming that those receipts were given for some other person but the defendants did not let in any evidence to prove their contention to dispute the possession of those receipts with the plaintiff. Further from

the patta adduced in Ex.A.5 - release deed, shows the patta for the entire extent of the suit property was given to the plaintiff's father and Ex.A.5 – release deed was executed by the other legal heirs of the plaintiff's father in the name of plaintiff, thereby the plaintiff had obtained Ex.A.15 patta in his name. Thus from appreciation of the plaintiff documents relating to possession of the suit property, the plaintiff had proved his possession in the suit property. Further in the plaintiff's testimony he had deposed as on 28.07.2018, the defendant had attempted to trespass into the suit property to show the disturbance of the defendant.

vi. On the other hand the defendants contend that the suit property originally belonged to Muthirulakon, it was purchased by Veilankonar in 1949, later from the sons of Veilankonar the 2<sup>nd</sup> defendant purchased the property in 1997. Thereby the 2<sup>nd</sup> defendant purchased the suit property and was in its possession, hence the vacant land excluding the plaintiffs house in the suit survey number belong to the defendants. To prove the defendants contention Dw.1 was examined and Ex.B.1 – Encumbrance certificates of the years 1949-1966, 1967 – 1974, 1975 to 2017 were marked. In these certificates the entry of the doc no. 1473 of 1949 was shown to be executed for the property in old survey no. 270/1 and it was included in new survey no's. 599/6 and 599/7. Also the doc no.676/1997 was shown. The above two documents were marked as Ex.A.13 and 14 by the plaintiff.

vii. The sale deeds claimed by the defendants were marked as Ex.A.13 and Ex.A.14. In the ***Ex.A.13 sale deed***, two natham lands of dimensions; 35 x 32ft with house and 30 x 30ft vacant land were sold. Those natham lands were described as;

- The 35 x 32ft land and house was bounded by:
  - East of Thandalakon house,
  - North of East – west street,
  - West of Natham Poromboke land,
  - South of Sandanakonar kalanjiyam and pathway .

- The 30 x 30 ft land was bounded by:
  - East of Masanakonar house,
  - South of East – west street,
  - West of Aandikonar house backyard,
  - North of Sandanakone kalanjiyam.

viii. In the Ex.A.13 sale deeds survey number of the above mentioned natham lands was not mentioned. But in Ex.B.1 encumbrance certificates the entry of Ex.A.13 sale deed was specified with the survey numbers of the suit property without citing any reasons.

ix. From the Ex.A.14 sale deed, by which the 2<sup>nd</sup> defendant claim to purchase the suit property, the 30 x 30 ft natham land of 900sq.ft was shown to be in survey no's. 599/6 and 599/7, with boundaries;

- South of Ittarai pathway,
- West of Rasu house and land,
- North of V. Muthirulakonar, samiyar @ Muthirulakon's hut
- East of K. Muthirulakon hut.

x. From careful analysis of the defendants contention, the defendant claim that their vendors father had purchased the suit property of 900 sq.ft by Ex.A.13 – 1949 sale deed. Later the 2<sup>nd</sup> defendant purchased it from her vendors by Ex.A.14 – 1997 sale deed. On appreciation of both the above documents, in Ex.A.13 sale deed, no survey number of the natham land was mentioned but in Ex.A.14 sale deed, the property of 900sq.ft was shown to be comprised in two survey numbers. The defendant did not file any revenue document to correlate the survey numbers with the Ex.A.13 deed mentioned property. The defendant also did not explain the extent of 900 sq.ft of property that was individually comprised in two different survey numbers. Though the two survey nos. 599/6 and 599/7 was shown to have 0.05.0sq.m and 0.00.47sq.m respectively, the defendant did not explained what extent of property purchased was comprised individually in the two survey numbers. The defendants though claim title and possession since 1949 did not file any revenue document for the natham land.

xi. In this regard *our Hon'ble High Court in SENTHIL @ SENTHIL KUMAR v. ANBALAGAN, SA.841/2021*, had decided as;

*'18.First of all, it is to be noted that the natham patta cannot be equated to revenue patta as it has more evidentiary value than the revenue patta. The natham patta is granted for natham lands to regularize the occupation of lands by the villagers as the natham lands are meant for habitation of the villagers. The natham patta unlike the revenue patta need not be accompanied by documents of title. Therefore, the Courts below rightly relied on Ex.A1, to hold that the plaintiff had established his right to the suit property.....'*

Thus our Hon'ble High Court had decided as natham patta is a document of title for natham land.

xii. In the light of the judgment of our Hon'ble High Court as referred above, in the present case in hand, this court can find that, the suit property is admittedly natham land, the plaintiff had filed Ex.A.1 to 2 and 10 – house tax receipts, Ex.A.5 – release deed and Ex.A.15 natham patta to prove his possession for the entire extent of the suit property. The plaintiff had also proved the disturbance of the defendants by oral evidence. It was not rebutted in the cross examination. On the other hand the defendant though claim to have purchased the vacant land in the suit property by Ex.A.13 and 14 sale deeds, failed to correlate the four boundaries with the present survey number with revenue documents to disprove the plaintiff's case. Thus from the above discussions this court is of the conclusion that the plaintiff had proved his possession in the suit property and the disturbance of the defendants. Thereby the plaintiff is entitled for the relief of permanent injunction.

xiii. These issues are answered in favor of the plaintiff.

**Issue :IV. Whether the plaint was bad for not seeking declaration of title?**

The defendants had claimed that the suit was bad for not seeking relief of declaration of title. From the above discussions and on perusal of entire materials on records, though the defendants claim the title of the suit property but did not let in any reliable evidence to dispute the title of the plaintiff in the suit property. Hence this suit is not bad for not seeking the relief of declaration of title.

**Issue :II. For the costs?** and

**Issue :III. To what other relief?**

From the discussions made in the above issue the plaintiff is not entitled for the costs and not entitled for any other reliefs.

7. ***In the result***, the suit is decreed with costs.

Judgment directly dictated to the Stenographer and computerized error checked and Pronounced by me in open court this the **12<sup>th</sup> day of March 2026.**

District Munsif,  
Vadipatti.

**1. Plaintiff side witness :**

Pw.1 – Ananthan

**2. Plaintiff side documents :**

Ex.A.1	House Tax receipts (1972-2016)	Original
Ex.A.2	House Tax receipts (1967)	Original
Ex.A.3	Death certificate of Muthuirulakonar	Original
Ex.A.4	Legal heir certificate of Muthuirulakonar	Original
Ex.A.5	Release Deed dated 07.05.2018	Original
Ex.A.6	House tax receipt in the name of Ananthan	Original
Ex.A.7	Encumbrance Certificate	Online Copy
Ex.A.8	Encumbrance Certificate	Certified Copy
Ex.A.9	Encumbrance Certificate	Online Copy
Ex.A.10	House tax receipt in the name of Ananthan	Original
Ex.A.11	Mortgage Deed in doc. no.676/1996, dated 10.05.1996	

Ex.A.12	Surveyor Notice	Certified Copy
Ex.A.13	Sale deed in doc. no.1473/1949, dated 21.07.1949	Certified Copy
Ex.A.14	Sale deed in doc. no.676/1997, dated 20.12.1996	Certified Copy
Ex.A.15	Patta No.596 in the name of the plaintiff	Online Copy

**3. Defendants side witness:**

Dw.1 – Kannusamy

**4. Defendants side documents:**

Ex.B.1	Encumbrance Certificates (4 Nos.)	Certified Copy
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District Munsif,  
Vadipatti.

DISTRICT MUNSIF COURT  
Vadipatti  
FAIR JUDGMENT  
*O.S. No.101/2018*  
**Date : 12.03.2026**