

IN THE COURT OF THE DISTRICT MUNSIF, SENDAMANGALAM

**PRESENT: Selvi. E. RIDHULA, B.A., LL.B.,
DISTRICT MUNSIF,
SENDAMANGALAM.**

Friday, the 31st day of July 2026

O.S. No.661/2020
(CNR.No.TNNM13-001451-2020)

Kamatchiyammal

.... Plaintiff

/Vs/

1. The State of Tamil Nadu

Rep by District Collector, Namakkal

2. The Revenue Divisional Officer, Namakkal

3. The Tahsildar, Sendamangalam.

.... Defendants

This suit came before me on 23.07.2026 for final hearing in the presence of Advocate Tr.G.Elango, Learned Counsel for the Plaintiff and Advocate Tr.R.Sathishkumar, Learned Government Pleader for the defendants and upon hearing both side arguments, after perusing the case records and having stood over for consideration till this date, this court passed the following:-

JUDGMENT

The plaintiff has filed this suit for the relief of Declaration to declare the suit property belongs to the plaintiff, and a consequential Permanent Injunction restraining the defendants, their men from causing obstruction or interference, at any time or in any manner, with the plaintiff's peaceful possession and enjoyment in the suit property, and to award costs of the suit.

2. GIST OF THE PLAINT:

The plaintiff has submitted that, the suit properties are comprised in S.No.162/2, having a total extent of 15.32 acres and the property has been classified as 'Anadheenam Paarai' in the revenue records. Out of the said land, 80 cents had been cultivated and enjoyed by the plaintiff's husband namely Karuppalagi from the year 1966. Subsequently, Karuppalagi filed a suit against Thamasu and others in O.S.No.629/1988 for the relief of permanent injunction in respect of 80 cents in S.No.162/2, and the same was decreed on 22.11.1988. Adjacent to the above land, Susai was in enjoyment of 1.19 acres of land in S.No.162/2. The Government had issued D-Card Patta to Susai in the year 1969. After the death of Susai, his legal heirs executed a sale agreement in favor of the plaintiff on 20.05.1990 and, also handed over the possession of the suit property. Thereon, the plaintiff has been continuously cultivating and enjoying the suit property for more than 30 years in open, continuous, peaceful, and uninterrupted from the year 1990, to the full knowledge of the defendants. By virtue of such continuous possession, the plaintiff has acquired possessory rights over the suit property. Taking advantage of the fact that, the suit property is classified as 'Anadheenam Paarai' in the revenue records, the defendants visited the suit property on 10.08.2020 and conducted an inspection to grant the property to third parties to start up a quarry. If such action is carried out, the plaintiff will suffer irreparable loss and hardship. The defendants are making unlawful attempts to forcibly evict the plaintiff from the suit property. Hence, the plaint.

3. THE GIST OF THE WRITTEN STATEMENT FILED BY THE 1ST DEFENDANT AND ADOPTED BY 2, 3 DEFENDANTS:

The defendants have filed their written statement denying the averments made in the plaint. It is submitted that, the suit property is comprised in S.No.162/2 under Patta No.1020, measuring 6.20.0 hectares, and is classified as 'Paarai' in the revenue records. Further, a portion of the said land was leased to Ganesan, S/o. Chettiyannan, for a period of 5 years, pursuant to proceedings in Na.Ka.No.808/06 dated 01.11.2007, for Quarry. After the expiry of the lease period, the land was surrendered back to the Government and is presently under the control and possession of the Government. The plaintiff was not in possession of the suit property, and no D-Card Patta has ever been granted to anyone in respect of the suit property. With respect to O.S.No.629/1988, the defendants were not parties to the said suit. The suit property belongs to the Government. Neither the plaintiff nor anyone has any right, title, or interest in the property. According to the defendants, the present suit has been filed with false allegations to unlawfully grab the suit property, and thus, the suit is liable to be dismissed with costs.

4. ISSUES: -

Upon perusal of the pleadings, this court has framed the following issues on 09.04.2025: -

- 1) Whether the plaintiff is having right and possession over the suit property?
- 2) Whether the plaintiff is entitled to the relief of declaration as prayed for?
- 3) Whether the plaintiff is entitled for a consequential relief of permanent injunction as prayed for?
- 4) To what other relief, the plaintiff is entitled for?

5. EVIDENCE ON BOTH THE SIDES:

On the side of the plaintiff, the plaintiff was examined as PW1 and Exhibits A-1, A-2 and A-4 to A-6 was marked through her. One Tr.Perumal was examined as PW2 and no exhibits was marked. During the cross examination of DW1, Exhibit A-3 was marked. On the side of the defendants, the 3rd defendant was examined as DW1 and Exhibits B-1 to B-3 was marked through him.

6. ARGUMENTS ADVANCED ON BOTH SIDES: -

6.1) The learned counsel for the plaintiff argued that, D-card Patta had been issued in favor of Susai, and the plaintiff subsequently acquired the suit property from his legal heirs under Ex.A-1. Ex.A-4 and Ex.A-5 are the kist receipts paid by the legal heirs of Susai for the suit property. Further argued that the plaintiff's husband, Karuppalagai, had obtained a decree over the property situated adjacent to the suit property in the same S.No.162/2. Hence, it was argued that the plaintiff has established continuous and adverse possession of the suit property from the year 1969. Thus, it was argued that the suit be decreed with costs.

6.2) Per contra, learned government pleader for the defendants argued that the defendants were not parties to O.S.No.629/1988. As per Ex.B-1 to Ex.B-3, the suit property is Government land, and no D-card Patta has been issued in favour of any individual. Further argued that, Ex.A-1 being sale agreement does not confer title upon the plaintiff over the suit property. Also, argued that the evidence of PW1 and PW2 is inconsistent with the plaint averments. Hence, argued that the suit is liable to be dismissed with costs.

7. DISCUSSION AND DECISION:

ISSUE NOs.1 to 3:- (Since the Issue Nos.1, 2 and 3 are interconnected, intertwined, the same are taken up together for consideration and determination for the sake of convenience)

- 1) Whether the plaintiff having right and possession over the suit property?*
- 2) Whether the plaintiff is entitled to the relief of declaration as prayed for?*
- 3) Whether the plaintiff is entitled for a consequential relief of permanent injunction as prayed for?*

7.1) The Rival submissions heard and case records were perused. The suit property comprises an extent of 1.19 acres of land in Survey No.162/2, out of the total extent of 15.32 acres, covered under Patta No.1020, situated at Varudharajapuram Village, Erumapatty Taluk, Namakkal District. The present suit has been filed seeking the relief of declaration and consequential permanent injunction in respect of the said extent of 1.19 acres in Survey No.162/2.

7.2) The case of the plaintiff is that the suit property originally belonged to and was in the possession and enjoyment of one Susai, in whose favour a D-card Patta had been issued. After his demise, his legal heirs executed a sale agreement dated 20.05.1990 in favour of the plaintiff. Pursuant thereto, the plaintiff claims to have been in open, continuous, uninterrupted, and peaceful possession and enjoyment of the suit property for more than 30 years, to the knowledge of the defendants. Hence, the plaintiff claims that she has acquired title over the suit property and is entitled to the reliefs sought.

7.3) As per Section 101 of Indian Evidence Act, 1872 the onus of proof initially lies on the plaintiff to prove that the suit property absolutely belongs to her. In order to substantiate her case, the plaintiff was examined as Pw1 and Ex.A.1 to A-6 was marked. A perusal of Ex.A-2, the decree dated 22.11.1988 passed in O.S.No.629/1988 by the District Munsif Court, Namakkal. The said decree discloses that Karuppalagai, the husband of the plaintiff, had instituted the said suit against Thamasu and others for the relief of permanent injunction in respect of 80 cents of land in S.No.162/2, and the same was decreed. According to the plaintiff, the property involved in the said suit is situated adjacent to the present suit property. Further, Ex.A-3 is the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the Revenue Inspector, Erumapatty, to the said Karuppalagai in respect of 7.50 acres of land in Survey No.162/2. The issuance of the said notice indicates that the revenue authorities treated his possession as an encroachment upon Government land and called upon him to vacate the same. Therefore, this Court is of view that the said Karuppalagai was not in lawful possession of the land, and also, the Government was not impleaded as a party to the said suit. Further, the property involved therein is distinct from the present suit property. Therefore, the decree passed in O.S.No.629/1988 cannot be relied upon to establish the plaintiff's title or possession over the suit property.

7.4) It is an admitted fact on both the sides that the suit property comprised in Survey No.162/2 is classified as "Paarai" in the revenue records.

Further Ex.B-1 to Ex.B-3, namely the A-Register, FMB, and Adangal, also show that the suit property is classified as Government "Paarai" land. Ex.A-1 is an unregistered sale agreement dated 20.05.1990 executed by the legal heirs of Susai namely Selvaraju, Merry, Laarthusamy, Sowriyammal, and Arulmery in favour of the plaintiff for a sale consideration of Rs.10,750/-, with an advance of Rs.500/- and the balance payable within one year, upon execution of a sale deed. Though the agreement recites that Susai possessed the suit property under a D-card Patta, the plaintiff has not produced any such patta to substantiate the said claim. Further, Ex.A-1, being only an unregistered agreement for sale, does not confer any right or title over the suit property. Admittedly, no sale deed was executed within the stipulated period. Therefore, Ex.A-1 does not support the plaintiff's claim over the suit property.

7.5) Further, Ex.A-4 and Ex.A-5 are the kist receipts dated 09.03.1990 and 10.02.2013 issued in the names of Selvaraju and Laarthumery, the legal heirs of Susai, in respect of S.No.162/2. These documents indicate that, even after the execution of Ex.A-1, the legal heirs of Susai continued in possession of the suit property. However, Ex.A-6 is a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to Selvaraju in respect of 55 cents of land in S.No.162/2, showing that his occupation was treated as an encroachment on Government land. Therefore, this Court finds that Selvaraju was not in lawful possession of the suit property. Though the plaintiff claims to have been in possession of the suit property for more than 30 years pursuant to Ex.A-1, she has

not produced any documentary evidence to establish her possession over the suit property.

7.6) Moreover, the PW1 has deposed the following statements during her cross examination:

"இவ்வழக்கு தாவா சொத்தின் சர்வே எண் எனக்கு தெரியுமா என்றால் தெரியாது, எனது மகன்களுக்கு தான் தெரியும். இதுநாள் வரை தாவா சொத்தின் சர்வே எண்ணை கேட்டு தெரிந்துக்கொண்டேனா என்றால் தெரிந்துக்கொள்ளவில்லை. இவ்வழக்கை எவ்வளவு விஸ்தீர்ணத்திற்கு தாக்கல் செய்யப்பட்டுள்ளது என்றால் 75 செண்ட் நிலத்திற்கு தாக்கல் செய்யப்பட்டுள்ளது..... தாவா சொத்தின் நாற்புற சக்குபந்தி விவரம் எனக்கு தெரியுமா என்றால், தெரியும். வடக்கு மற்றும் மேற்கில் முருகேசன் நிலம், தெற்கில் கருப்பழகியின் நிலம், கிழக்கு துரையின் நிலம் உள்ளது.....சூசை என்பவருக்கு டி கார்ட் பட்டா வழங்கப்பட்டுள்ளது என்றும், நான் தாவா சொத்தில் அனுபவத்தில் உள்ளது என்று பொய்யாக சொல்லியுள்ளேன் என்றால் சரிதான் பட்டா வழங்கவில்லை.....தாவா சொத்தை எந்த வருடத்தில் நான் கிரையம் பெற்றேன் என்னதால் 1990-ம் வருடத்தில் கிரையம் பெற்றேன். மேற்படி கிரையப்பத்திரத்தின் அடிப்படையில் தான் உரிமை கேட்கிறேனா என்றால் ஆமாம். மேற்படி கிரையப்பத்திரத்தை நீதிமன்றத்தல் தாக்கல் செய்துள்ளேனா என்றால் தாக்கல் செய்துள்ளேன்".

Thus, P.W.1 has admitted that no D-card Patta was issued in favour of Susai. She further deposed that she claims title to the suit property on the basis of a sale deed. However, no such document has been produced before this Court. PW1 was also not aware of the particulars of the suit property and made statements contrary to the averments in the plaint. Therefore, the testimony of PW1 does not substantiate the plaintiff's case.

7.7) An independent witness was examined as PW2, who deposed in his chief examination that the plaintiff is in possession and enjoyment of the suit property on the basis of the sale agreement (Ex.A-1) and that he had signed the said document as a witness. However, during his cross-examination, PW2 deposed the following statements:

"இவ்வழக்கு தாவா சொத்தின் சர்வே எண் என்னவென்று தெரியுமா என்றால் தெரியாது.....இவ்வழக்கு தாவா சொத்து அரசுக்கு பாத்தியப்பட்ட சொத்து என்ற விவரம் எனக்கு தெரியுமா என்றால், எனது தங்கை வாதி கிரையம் பெற்ற சொத்தாகும். வாதி கிரையம் பெற்றவருக்கு மேற்படி சொத்து எப்படி பாத்தியப்பட்டது என்று தெரியுமா என்றால், தெரியாது. வாதி தாவா சொத்தை கிரையம் பெற்ற பத்திரம் பதிவாகியுள்ளதா என்றால் எருமப்பட்டி சார்பதிவாளர் அலுவலகத்தில் பதிவாகியுள்ளது".

Thus, PW2 has deposed that he is not aware of the survey number of the suit property and further stated that the plaintiff acquired the suit property under a registered sale deed. Therefore, the evidence of PW2 contains contradictory statements, which do not corroborate the case of the plaintiff.

7.8) Further, no cause of action has arisen for filing the present suit, as the plaintiff has merely pleaded that the defendants inspected the suit property with an intention to lease it out to a third party for establishing a stone quarry. There are no specific pleadings to show that the defendants caused any disturbance or obstruction to the plaintiff's alleged possession so as to entitle her to the relief of

permanent injunction. Therefore, from the foregoing discussions, this Court holds that the plaintiff has failed to discharge the initial burden of proving her title and possession over the suit property. On the contrary, Ex.B-1 to Ex.B-3 clearly establish that the suit property is classified as Government land and does not belong to the plaintiff. Therefore, this court holds that the plaintiff is not having right and possession over the suit property, and also, the plaintiff is not entitled to the relief of Declaration and a consequential Permanent Injunction as prayed for. **Thus, Issue Nos.1 to 3 are answered against the plaintiff.**

ISSUE No.4:-

4) To what other relief, the plaintiff is entitled for?

7.9) Having regard to the findings rendered on the preceding issues and considering the facts and circumstances of the case, this Court is of the view that the parties are not entitled to any other relief. **Thus, Issue No.4 is answered accordingly.**

8. RESULT: -

In the result, this suit is DISMISSED and the parties shall bear their own costs.

Directly typed by me in my official laptop, corrected and pronounced by me in Open Court, this the 31st day of July 2026.

District Munsif,
Sendamangalam.

PLAINTIFF SIDE WITNESSES:-

1. PW1 – Kamatchiyammal (Plaintiff)
2. PW2 – Perumal

PLAINTIFF SIDE DOCUMENTS:-

1.	Ex.A.1	20.05.1990	The Sale Agreement executed in favor of the Plaintiff	Original
2.	Ex.A.2	22.11.1988	The Decree in O.S.No.629/1988 on the file of District Munsif Court, Namakkal	Certified copy
3.	Ex.A.3		A Notice issued to the plaintiff's husband namely Karuppalagi under section 7 of Tamil Nadu Encroachment Act.	Original
4.	Ex.A.4	09.03.1990	The kist receipt in the name of Selvaraj	Original
5.	Ex.A.5	10.02.1973	The kist receipt in the name of Selvaraj	Original
6.	Ex.A.6	--	A Notice issued under Section 7 of Tamil Nadu Encroachment Act with respect to S.No.162/2	Original

DEFENDANTS SIDE WITNESSES:-

1. DW1 – Saravanakumar (3rd defendant)

DEFENDANTS SIDE DOCUMENTS:-

1.	Ex.B.1	The 'A' Register for S.No.162/2	Certified copy
2.	Ex.B.2	The FMB for S.No.162	Certified copy
3.	Ex.B.3	The Adangal Register for S.No.162/2	Certified copy

District Munsif,
Sendamangalam.

Fair / Draft Judgment

O.S.No.661/2020

Date.31.07.2026