

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

Present: Selvi. T. Naveena B.com. LL.B (Hons.),

**District Munsif,
Kumarapalayam.**

Friday the 12th day of September 2025

I.A. No.3/2022

IN

IA.No.2/2019

IN

O.S. No.155/2020

1. Venkatachalam

2. Palanisamy

... Petitioners/Respondents/Defendants 1 and 2

/Vs/

K.N. Palanisamy

... Respondent/Petitioners/Plaintiff

This petition came for final hearing before this court on 06.06.2025 in the presence of Thiru. T. Dharmalingam, Advocate for the Petitioners/Respondents/Defendants 1 and 2 and Thiru. A. Kailassanathan, Advocate for the Respondent/Petitioners/Plaintiff and upon perusal of material records and having stood over for consideration till this date, this court delivers the following:

ORDER

This petition has been filed under Rule 76 of Civil Rules Practice read with Section 151 of Code of Civil Procedure

**1. BRIEF FACTS OF THE PETITION FILED BY THE PETITIONERS
WOULD RUN AS FOLLOWS:**

The petitioners have pleaded that the respondent has filed the above suit for permanent injunction and the petition in I.A.No: 2/2019 for temporary injunction. The respondent has completed his side enquiry in the above petition. The petitioners have the right of pathway and the said pathway is the only ingress and egress and except the suit pathway we have no other access.

A grievance petition had been filed by the petitioners before the District Collector, Namakkal the same was referred to the Revenue Divisional Officer, Tiruchengode, who directed the Tahsildar, Kumarapalayam to enquire into the matter. He deputed the local Surveyor to inspect and measure the existing pathway in dispute and submit a report. The Surveyor has measured the property and drew a plan according to scales and filed his report. The surveyor in his plan had clearly

mentioned the petitioner's pathway right in S.No.595/19 with a breadth of 2.0 meters to reach the petitioner's land in S.No.595/10.

The Tahsildar, Kumarapalayam in furtherance of the same, had submitted his recommendations before the Revenue Divisional Officer, Tiruchengode for detailing the pathway mark in S.Nos: 595/13 and 595/19 and the same had been mentioned in para 12 of the petitioner's written statement. The documents set out in the petition pertaining to the above proceedings are vital documents for deciding the lis involved in the above suit and in I.A.No: 2/2019 .

The petitioner has already filed a copy application before the Revenue Divisional Officer, Tiruchengode for obtaining the certified copies of the said documents and the same was not granted so far and they are delaying the issuance of certified copies on some pretext or other stating that since the above suit is pending with respect to the suit property, he would not grant the same unless the petitioner approaches him with a certificate of this Court.

In order to get on with the enquiry in I.A.No.2/2019 and the trial of the above suit, the certified copies of the documents detailed in the petition are necessary and the petitioner is in need of a Court certificate from this Court directing the Revenue Divisional Officer, Tiruchengode to grant the certified copies of the said documents to the petitioner.

2. BRIEF FACTS OF THE COUNTER STATEMENT FILED BY THE RESPONDENT WOULD RUN AS FOLLOWS:

The respondent denied all the allegations made by the petitioners except those admitted as true. The respondent had completed his side enquiry as early as 14.09.2021 and the petitioners had got adjournments for their side enquiry till 15.04.2022 i.e., 11 hearings and as a last resort filed this petition with false and improper allegations. The petitioners and their vendors never exercised right of pathway in the suit property and they got pucca pathway to their lands from the northern side and have been using the same all these days. The title deeds of the petitioners and the vendors will expose the truth. But with ulterior motive the

petitioners making false allegations as if they got pathway in the lands of this respondent.

This respondent had no notice or knowledge about the alleged grievance petition given by the petitioner to the District Collector, Namakkal and the subsequent actions narrated by the petitioners. To the best knowledge of this respondent the surveyor never measured the property of this respondent as alleged. Since the suit property being absolute property of this respondent, notice of inspection must have been issued prior to the alleged measurement and no notice was served on the respondent by the surveyor before the alleged measurement.

Since the respondent is neither a party nor aware of the proceedings, the same will neither bind the respondent or his lawful right over his property. The alleged recommendation by the Tahsildar, Komarapalayam without calling for objection from this respondent who is the lawful owner of suit property is certainly illegal and will not bind the respondent. Since the suit property is a natham land, the respondent is the absolute owner. The Revenue Divisional officer, Tiruchengode has no right, authority or locus standi to create pathway right to the petitioners. The said act is forbidden in law.

As per law and equity any alteration in revenue documents in respect of suit property during the pendency of suit will not bind the parties and had credibility before court of law. As such the impugned documents referred by the petitioners in their petition have so legal sanctity. The same will no way useful to decide the subject matter of the suit. The petitioners could very well obtain the certified copies under Right to Information Act and produce it before this court but the petitioners realizing that they have no valid defence in the injunction petition had belatedly filed the petition with false and improper allegations to drag on the enquiry. There is no merit in the petition. The petitioners have not made out any valid, prudent reason to grant court certificate. It is bound and duty of the parties to obtain the document which he relies on and file before court. The petitioners are not entitled to seek the aid of this court as a matter of right and delay the enquiry proceedings in I.A.No.2/2019 and this petition is to be dismissed in limine.

3. **ISSUES:** Whether or not a court certificate shall be issued to the petitioner directing the Revenue Divisional Officer, Tiruchengodu to issue the certified copies of the petition mentioned documents?

4. **DISCUSSION:**

Heard. Records perused. The respondent has filed the above suit for permanent injunction against the petitioners herein. The petitioners have filed the above petition praying the court to issue a court certificate directing the Revenue Divisional Officer, Tiruchengodu to issue the certified copies of the petition mentioned document. The petitioners have stated that based on the grievance petition filed by the petitioners before the Namakkal District Collector, the local Surveyor, deputed by the Tahsildar, Kumarapalayam for the petition forwarded by the Namakkal District Collector to the Revenue Divisional Officer Tiruchengode, had measured the suit property and drew a plan according to scales and filed his report, clearly mentioning the petitioners' pathway right in S.No.595/19 with a breadth of 2.0 meters to reach the petitioner's land in S.No.595/10. The Tahsildar, Kumarapalayam had submitted his recommendations before the Revenue Divisional Officer, Tiruchengode for detailing the pathway mark in S.Nos: 595/13 and 595/19. The petitioners have pleaded that the petitioner could not obtain the certified copies of the said document though he had applied to the Revenue Divisional Officer, Tiruchengode.

The respondent contended that the respondent is unaware of the alleged measurement made by the surveyor and that no notice was issued regarding the same to him being the absolute owner of the property. The main contention of the respondent is that the petitioner could have obtained the certified copies of the said documents under Right to Information Act and produce it before this court and that the petitioner has filed the present petition belatedly without any valid, prudent reason to grant court certificate in order to delay the enquiry proceedings in I.A.No.2/2019.

From the perusal of records, it is observed that the petitioner alleges that he was not provided with the certified copies of the petition mentioned document prepared as a report by the Tahsildar, Kumarapalayam by measuring the suit property

and has filed the present petitioner to issue a court certificate directing the Revenue Divisional Officer, Tiruchengode to grant the certified copies of the said documents to the petitioner. Rule 75 (2) of the Civil Rules of Practice clearly elucidates that every application for summons for production of documents shall set out the document required, the relevancy of the document and whether the application was made to the proper officer and the result of such application. Rule 75 (3) mandatorily directs that the court shall issue such a certificate only if it is satisfied that the application for the certified copies was duly made and has not been granted.

The petitioner has alleged that he had made application before the Revenue Divisional Officer, Tiruchengode and that the officials are delaying the issuance of certified copies on some pretext or other but had not pleaded that the said application was rejected. The petitioner has also failed to establish before this court that he had made an application and that the same was not granted. Thus, in the absence of such a proof, this court is not in a position to grant a court certificate as prayed by the petitioner.

In the result, the Petition is DISMISSED. No cost.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 12th day of September 2025.

District Munsif,
Kumarapalayam.

PETITIONER SIDE DOCUMENTS

Nil

RESPONDENT SIDE DOCUMENTS

Nil

District Munsif,
Kumarapalayam.

Fair / Draft orders
I.A.3/2022 IN
I.A. 2/2019 IN
O.S.No :155/2020
Dated : 12.09.2025