

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

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

District Munsif,

Kumarapalayam.

Thursday the 18th day of June 2026

I.A.No:6/2026

IN

O.S. No.348/2020

1. Natarajan

2. Seerangan

3. Gopalakrishnan

4. Kandasamy(Died)

5. Kalaiyarasan

6. Sasikumar

7. Ganesan(Died)

8. Munusamy

9. Palanisamy

10. Mani

11. Kannaiyan

12. Vijaya

13. Chandira

...

Petitioners/Defendants

/Vs/

1. L. Ramasamy

2. L. Muthusamy @ Chinnadurai

...

Respondents/Plaintiffs

This Petition came up before this court for final hearing on on 15.06.2026 in the presence of Tr. M. Jazheerhusian, Advocate for the Petitioners/Defendants and Thiru. S. Elango, Advocate for the Respondents/Plaintiffs and upon perusal of

material records and having stood over for consideration till this date, this court delivers the following:

ORDERS

This petition has been filed under Order XVI Rule 6 and 1(2) r/w Section 151 of Code of Civil Procedure

1. BRIEF FACTS OF THE PETITION WOULD RUN AS FOLLOWS:

The above suit has been posted for further defendants' side evidence. Sri Vinayagar Temple @ Sri Shakthi Vinayagar Temple is situated in the suit property and there are vacant lands belonging to the temple around the same. Similarly, opposite the said temple, there are deities (பொட்டுசாமி (கடகடப்பான்)) and (ஓங்காளியம்மன்) and vacant land around the same. The abovesaid temple and the land around them are situated in the Government Puramboke lands in S.No:561/12 in Elanthakuttai Village, Kumarapalayam Taluk. The same is not a private property.

The Sri Shakthi Vinayagar Temple is situated in Government Puramboke land in S.No:561/12 and the documents pertaining to S.No:561/12 are in the possession of the Tahsildar, Kumarapalayam. Therefore, it is necessary for the present suit that the Tahsildar of Kumarapalayam shall produce all the documents related to S.No:561/12 and give evidence regarding the same in the present suit. The said property now belongs to the Highways Department.

Hence, the petitioners prayed the court to allow the present petition and to direct the Tahsildar of Kumarapalayam to appear before this court and produce the

proposed documents and give oral evidence regarding the same.

2. **BRIEF FACTS OF THE COUNTER STATEMENT FILED BY THE 1ST RESPONDENT AND ADOPTED BY THE 2ND RESPONDENT WOULD RUN AS FOLLOWS:**

The respondents denied all the allegations made by the petitioners except those admitted as true. It is not admissible to summon the Tahsildar to produce all the documents regarding S.No:561/2 in general, without specifying the survey numbers of the lands surrounding S.No:561/2, the documents necessary and the years pertaining to the documents procured regarding which the petitioners seek the production of documents and the same amounts to fishing enquiry. It is not proper to summon the Tahsildar to bring the documents as to whom the temple in S.No:561/12 belongs, since the dispute involved in the present suit is not regarding the ownership of the Temple and the Tahsildar is not a competent person to depose about the same.

As per Rule 75(2) of the Civil Rules of Practice, the petitioner ought to have mentioned the document procured, the reason for the production of the same, whether the petitioners had applied for certified copies and the result regarding the application and the petitioner shall file the certified copies only if the same has been given by the Public Officer. If the Public Officer denies to provide such certified copies, the petitioner shall file a petition under Rule 76 of the Civil Rules of Practice and if a certificate is issued under the same, the Public Officer is bound to issue certified copies of the procured documents. Only if the said certified copies are not given, the

petitioners shall summon the public official to give oral evidence regarding the same.

As per Rule 75(3), if the certified copies are sufficient, the originals of the documents shall not be sought and if the court records reasons that the originals of the documents are necessary, the same may be sought to be produced. As per Rule 75(5), the Public Officer may give original or certified copies in accordance with Section 76 of Indian Evidence Act. Therefore, the summoning of the Tahsildar is against the legal principles. The petitioners have filed the present petition with the intent to drag on the proceedings of the suit. Hence, the respondents prayed to dismiss the present petition.

3. **ISSUES:** Whether or not the Tahsildar of Kumarapalayam be summoned to produce the Adangal, A-Register, Patta and other related documents regarding S.No:561/12 and S.No:93/22 of Elandhakuttai Village and to depose regarding the same?

4. **DISCUSSION:**

Heard. Records perused. The above suit has been filed by the respondents for the relief of permanent injunction against the petitioners. The petitioners herein have filed the above I.A.No:6/2026 to summon the Tahsildar of Kumarapalayam to produce the Adangal, A-Register, Patta and other relevant documents regarding S.No:561/12 and S.No:93/22 of Elandhakuttai Village and the documents regarding the present and old survey number of S.No:561/12 and to depose regarding the same.

The contention of the petitioners is that the Sri Shakthi Vinayagar Temple is

situated in Government Puramboke land in S.No:561/12 and the documents regarding the S.No:561/12 and 93/22 of Elandhakuttai Village are necessary for the present suit. The contention of the respondents is that the petitioners have not specified the documents necessary, the year of the documents and the specific survey numbers of the documents procured regarding the properties situated on four sides of the suit property and that since the dispute involved is not regarding the ownership of the temple in S.No:561/12, the summoning of Tahsildar to bring documents regarding the ownership of the said temple is not valid. The respondents have also contended that the petitioner ought to have applied for certified copies and if the same is denied, file a petition under Rule 76 of the Civil Rules of Practice to issue a certificate binding the Public Officer to issue certified copies of the procured documents and only if such certified copies are not given, the petitioners shall summon the public official to give oral evidence regarding the same.

From the perusal of records, this court observes that, after the respondents had filed their counter statement mentioning that the petitioners have not specified the documents necessary, the year of the documents and the specific survey numbers of the documents procured and that since the dispute involved is not regarding the ownership of the temple in S.No:561/12, the summoning of Tahsildar to bring documents regarding the ownership of the said temple is not valid, the petitioners have amended the above petition thereby removing the procurement of documents regarding ownership of the Sri Shakthi Vinayagar Temple, the ownership and

documents regarding the property to the four side of the suit property.

After the said amendment, the petitioners have now sought to summon the Tahsildar of Kumarapalayam to appear to depose and produce documents such as Adangal, A-Register, Patta and other related documents regarding S.No:561/12 and S.No:93/22 of Elandhakuttai Village. It is observed by this court that the documents sought to be produced are Public documents maintained by the public authority and the Certified copies of such documents could be obtained by the petitioners from the concerned authority. It is observed that the petitioners have neither pleaded nor produced any documents to show that the petitioners had sought for the certified copies of the Adangal, A-Register, Patta and other related documents regarding S.No:561/12 and S.No:93/22 of Elandhakuttai Village or specify whether the petitioners were unable to procure the same or whether their application to obtain the same had been rejected.

Summoning a public officer as a witness for the sole purpose of producing documents, which could be sufficiently produced by the petitioners through certified copies, would cause unnecessary inconvenience to the public servant. The petitioners have failed to establish any special circumstances which necessitates personal appearance of the Tahsildar in the present suit. The petitioners will not be prejudiced due to the dismissal of this petition since the petitioners have the opportunity of proving their claim through the production of the certified copies of the proposed documents. Therefore, from the foregoing discussions, this court is of the opinion that

the petitioners have not established sufficient circumstances that warrants the appearance of the Tahsildar or to direct him to produce the proposed documents to the satisfaction of this court.

In the result, this petition is DISMISSED. No costs.

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 18th day of June 2026.

District Munsif,
Kumarapalayam.

PETITIONER SIDE DOCUMENTS Nil

RESPONDENT SIDE DOCUMENTS Nil

District Munsif,
Kumarapalayam.

Fair/Draft orders

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Date:18.06.2026