

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: Thiru.C.Mohanram, M.A., B.L.,
Additional District Judge,
Ramanathapuram.**

Friday, the 12th day of September 2025

**I.A. No.188/2023
in
O.S. No.90/2022**

The Municipal Commissioner,
The Municipality Office, Ramanathapuram. ... Petitioner / 4th defendant

/Vs/

1. Hameed Kalanjiam ... 1st Respondent / plaintiff

2. Hameed Kani

3. Hameed Banu

4. The Secretary, Municipal Administration and Water Board,
Saint George Fort, Chennai – 600 009

5. The State,

Represented thro' its District Collector,

Ramanathapuram.

... Respondents 2 to 5 /

Defendants 1 to 3 and 5

This petition came up on 07.08.2025 before this Court for final hearing in the presence of Thiru.B.Sundarrajan, Advocate for the Petitioner and Thiru.N.Vilvakumar, Advocate for the 1st Respondent and the respondents 2 to 5 were remained exparte and on hearing their arguments and

on perusal of petition, counter and case records and this Court delivers the following:

ORDER

This petition has been filed under Order 14 Rule 2 (2) of CPC to frame a Preliminary issue as to decide the jurisdiction of this court.

2. The petitioner is 4th defendant in the suit. The respondents are plaintiff and defendants 1 to 3 and 5 in the suit.

3. It is the contention of the learned counsel for petitioner / 4th defendant that the suit properties were originally Jameen properties and after independence as per Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948 dated 07.09.1949, the Ramanathapuram Jameen had no right or interest and the suit properties were handed over to the petitioner / 4th defendant. The Ramanathapuram Jameen had preferred an objection before the Settlement Officer in S.R.18 (4)1/RMD/75 dated 30.06.1976 and the same was dismissed and the Appeal preferred before the Revenue Divisional Officer in Appeal No.K.(Dis).DKT.926/1979 was also dismissed on 29.02.1972. The Appeal preferred before the Revenue District Revenue Officer was also closed by GOMS No.2502 dated 08.07.1958. Thereafter, a petition was filed before the Commissioner, Land Revenue Administration, Chennai preferred by the Ramanathapuram Municipality and by order dated

08.05.1975. The Ramanathapuram Municipality was directed to approach the Assistant, Settlement Officer, Kovilpatti. In enquiry held before the Assistant, Settlement Officer, Kovilpatti in SR(4)1/RMD/75 dated 30.06.1976. The properties comprising the Sy.No.317/1A an extent of 70.1/2 cents belonged to Government and Sy.No.317/1B an extent of 10.1/2 cents belonged to Raja Ramanatha Sethupathy and as per the order dated 30.06.1976 Settlement Adangal Register was changed as per Sec.65 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948 dated 07.09.1949. In the Judgment of this Court is barred and therefore this Court has framed an issues as to the jurisdiction of the Court.

4. It is the contention of the 1st respondent / plaintiff that the suit properties and other properties were not acquired by Government as per Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948. The suit properties and other properties were belonged to independent persons and so many transactions were happened as per Registration and Transfer of Properties Act. One Sakunthala the predecessor in interest has filed a suit against 4th defendant in O.S.No.63/1985 Sub-Court, Ramanathapuram and the suit was decided in favour of the said Sakunthala. In the said suit, it was decided by the Sub-court that the suit properties were originally belonged to one Chithambaranatha Durai and that the Government Pleader has given legal

opinion that the suit properties were not acquired by the Government as per the Abolition Act. The plaintiff has purchased the same and has been in peaceful possession and enjoyment of the properties.

5. The learned counsel for 1st respondent / plaintiff in support of his contention has relied upon the authority of our **Hon'ble Apex Court in the case of Sathyanath and another versus Sarojamani, 2022 Supreme Court Cases 644** wherein it was held that preliminary issues can be those where no evidence is required thus, for instance, on basis of reading of plaint or applicable law, if jurisdiction of court or bar to suit is made out, court may decide such issues with sole objective for expeditious decision.

6. He has also relied upon the authority of **Hon'ble High Court in the case of T.M. Lakshminarayana Ayyar and Others versus Nallachi Ammal and Others (1974)1 MLJ 424** held that Section 56 of the Madras estates (Abolition and Conversion into Ryotwari) Act 1948 can be linked to Section 11 regarding the grant of patta to ryotwari lands, still we are of opinion that the decision of the settlement officer can be only for the purpose of the Act and that it would not debar a civil court from deciding title and possession.

7. In **G.Martin Vs Karungal Town Panchayat represented by Executive Officer, Karungal and another in S.A.(MD).No.84/2006 dated 01.09.2015** our **Hon'ble Madurai Bench of Madras High Court** relying

upon the decisions made in T.M. Lakshminarayana Ayyar and Others versus Nallachi Ammal and Others held that Civil court can decide title and possession in respect of patta issuing a person in Srinivasan and six others Vs Sri Madhyarjuneswaraswami our Hon'ble High Court held that 1998 (1) CTC 630 Civil court's jurisdiction to adjudicate title of the parties, is not barred by virtue of the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act 1948.

8. Point for consideration:

Whether this petition is liable to be allowed as prayed for ?

9. This court perused the affidavit filed in support of the petition, counter and authorities of our Hon'ble Apex Court and our High Court. This court also considered the submissions made on both side. This suit has been filed for declaration of title and injunction. The title of the 1st respondent / plaintiff has been disputed by the petitioner / 4th defendant. The 1st respondent / plaintiff has also disputed the tile of the 4th respondent. When a dispute arose as to the tile of the property civil court alone can decide the rights of the parties. As submitted by the learned counsel for 1st respondent / plaintiff preliminary issues cannot be decided where evidence is required. On the basis of reading of plaint and written statement this court cannot decide the matter as a preliminary issue in an application filed by petitioner / 4th defendant since

it involves detailed trial. Therefore, this court is of the considered view that this petition has no merits and the petition is liable to be dismissed.

In the result, this petition is dismissed without cost.

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected and pronounced by me in the open Court this the 12th day of September 2025.

Additional District Judge,
Ramanathapuram.
12.09.2025

List of witness and document on either side :

Nil

Additional District Judge,
Ramanathapuram.
12.09.2025