

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Friday the 12th day of December 2025

I.A.No.02/2024

in

O.S.No.12/2024

1. Muthuramalingam

2. Angumuthu

(The plaintiffs for themselves and as representatives of the Vandanam, Veppankulam and Iraichikulam village people who worship the Arulmigu Sri Mangai Sonai Muniyappasamy temple located in Vandanam village)

..... Petitioners/Plaintiffs

/VS/

1. Irulayi

2. Krishnan

3. Ponnu

4. Muniyammal

5. Packiam

6. Palanisamy

7. Manimegalai

8. Indira Sakthi

..... Respondents/Defendants

This petition came on 20.11.2025 before this court for a final hearing in the presence of Thiru.Y.T.Ansari, Learned Counsel for the Petitioners/Plaintiffs, Thiru.J.Karthick, Learned Counsel for the Respondents/Defendants and upon hearing both sides enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 39 Rule 1&2 of Civil Procedure Code for the relief of temporary injunction restraining the respondents/defendants from interfering with the petitioners/plaintiffs peaceful possession of the suit properties till the disposal of the suit.

2. The contention of the Petitioners/Plaintiffs in brief:-

The petitioner is the 1st plaintiff in the main suit, he files this petition for himself and on behalf of the 2nd petitioner/plaintiff. The suit property originally belonged to one Mr.Muhammad Abubakkar. On 29.06.1990, the suit properties were purchased from the said Muhammad Abubakkar in the name of Muthu Irulandi Thevar for Arulmigu Sri Mangai Sonai Muniyappasamy Temple. The said Muthu Irulandi Thevar executed an unregistered promise deed dated 29.06.1990 stating that the suit properties were purchased in his name for the Arulmigu Sri Mangai Sonai Muniyappasamy Temple and neither him nor his legal heirs have any right or title over the suit properties. Hence the suit properties are in the enjoyment and possession of the Vandanam village people who workship the said temple. The petitioners/plaintiffs have filed this suit as representatives of the Vandanam village people. The patta for the suit properties were also mutated in the name of the temple in patta number 1180. Muthu Irulandi Thevar died 7 years ago and now the respondents/defendants who are the legal heirs of the said Muthu Irulandi Thevar are trying to interfere with the temple's peaceful possession over the suit properties by stating that they have right over the same and cancelled the Patta standing in the name of the temple. Hence this present petition for the relief of temporary injunction restraining the respondents/defendants from interfering with the petitioners/plaintiffs peaceful possession of the suit properties till the disposal of the suit.

3. Brief averments of the Respondents/Defendants in brief:

The respondents/defendants deny the averments in the petition. The suit properties are in no way connected to the Arulmigu Sri Mangai Sonai Muniyappasamy Temple. It is admitted that the suit properties originally belonged to one Mr. Muhammed Abubakkar and the respondents' Father by way of a sale deed dated 29.06.1990 purchased the same and was in the possession and enjoyment of the suit properties till his date of demise (24.06.2013). After his demise, the respondents/defendants who are his legal heirs are in the possession and enjoyment of the suit properties; the death and legal heir certificate of Muthu Irulandi Thevar are produced before the court. The 3rd respondent is cultivating on the suit properties from the year 2020 and crop insurance and adangal receipts stand in his name for the suit properties. The promise deed allegedly executed by Muthu Irulandi Thevar is fraudulent and forged. The Patta was obtained in the name of the temple by bribing the village administrative officer and hence the respondents/defendants filed an application before the VAO and as per the order of the VAO, the patta for the suit properties were mutated as per the UDR records and the respondents/defendants have made an application before the RDO for mutating the Patta in the name of the respondents/defendants and currently the Patta stands in the name of the respondents/defendants. Also the temple is not the common temple of the Vandanam village people as alleged by the petitioners/plaintiffs. Without title to the suit property this suit has been filed for the relief of permanent injunction and hence this petition is liable to be dismissed.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

Heard Both sides. On the respondents side Ex.R1 & R11 were marked. Petitioners side no document was marked.

5. Answer to the Point:-

5.1. The case of the petitioners/plaintiffs is that they have filed this suit as representatives of the Vandanam village people and the suit properties was purchased in the name of Muthu Irulandi Thevar for Arulmigu Sri Mangai Sonai Muniyappasamy Temple by way of a sale deed dated 29.06.1990. He has also executed an unregistered promise deed dated 29.06.1990 neither him nor his legal heirs have any right or title over the suit properties. The patta for the suit properties were also mutated in the name of the temple in patta number 1180. But the respondents/defendants cancelled the same by an application to the VAO and the patta was restored as per UDR entry. Now the respondents/defendants are trying to interfere with the peaceful possession of the suit properties.

5.2. Whereas the respondents/defendants state that the suit properties were purchased by their father Muthu Irulandi Thevar as his absolute property and not as a representative for the Arulmigu Sri Mangai Sonai Muniyappasamy Temple and their father did not execute any promise deed in favour of the Temple. The suit properties are in no way connected to the temple. After the demise of Muthu Irulandi Thevar (Death certificate of Muthu Irulandi Thevar Ex.R2), the respondents/defendants who are his legal heirs (Ex.R4) are in peaceful possession and enjoyment. The 3rd respondent is cultivating in the suit properties. The crop insurance receipts and Adangal for the suit properties are marked as Ex.R5.

5.3. On perusal it is seen that both the parties admit that the suit properties were purchased by Muthu Irulandi Thevar but the petitioners/plaintiffs put forth a contention that the suit properties were purchased by the Muthu Irulandi Thevar only on behalf of the Temple and state that an unregistered promise deed was executed by him in this regard stating that he has no right over the suit properties. The sale deed is marked as Ex.R1 on the side of the respondents/defendants. The fact that whether the suit properties were purchased on behalf of the Temple, the relevancy and admissibility of the alleged promise

deed can only be decided at trial. The main relief sought is also the relief of permanent injunction. Hence it is just and necessary to grant the parties sufficient opportunity to present their case through Trial. The patta for the suit property also stands in the name of the respondents/defendants (Ex.R9). No documents produced by the petitioners/plaintiffs to show their prima facie possession in the suit properties. The suit was filed in the year of 2024 and the main suit has also ripened for trial. Hence the issues at hand being the main relief as in the suit, it can be very well decided at trial. Hence in the light of the said discussions, this petition is dismissed.

6. In the result, this petition is dismissed. No costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 12th day of December 2025.

**District Munsif,
Mudukulathur.**

Petitioners side witness and documents: Nil

Respondents side witness: Nil

Respondents side documents:

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| Ex.R1 | 29.06.1990 | Sale deed- Xerox copy |
| Ex.R2 | - | Death Certificate of Muthu Irulandi- Xerox copy |
| Ex.R3 | | Death Certificate of Amirtham- Xerox copy |
| Ex.R4 | - | Legal heir Certificate of Muthu Irulandi- Xerox copy |
| Ex.R5 | - | TNCSC Adangal- Xerox copy |
| Ex.R6 | 06.07.2023 | Enquiry Notice given by the Sub Collector- Xerox copy |

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| Ex.R7 | 31.08.2023 | Proceedings of Paramakudi Sub collector- Xerox copy |
| Ex.R8 | 31.01.2024 | Patta Transfer Order- Xerox copy |
| Ex.R9 | 31.01.2024 | 10(1) Patta in the name of respondents- Online copy |
| Ex.R10 | - | Adangal- Xerox copy |
| Ex.R11 | - | Encumbrance Certificate- Xerox copy |

**District Munsif,
Mudukulathur.**