

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru. A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Friday this the 10th day of April 2026

O.S.No.89/2021
(CNR.No.TNRP01-000470-2021)

A.S.Karunakaran

..... Plaintiff.

-Vs-

1. P. Karemunissa
2. Akberunissa
3. Rahimunissa
4. Zahara Jabeen
5. Abdul Waris Sackwai
6. Nazeema Kowser
7. S.Nazeera Kowser
8. Nazira Kowser
9. Sackwai Raheez Ahmed
10. Nahitha Kowser
11. Muthasir Nadeem
12. Mubasheer Natheem Sakwai
13. Gowhar Sulthana
14. Mujiboor Rahman
15. Atheequr Rahman
16. Arshiya Sulthana
17. V.M. Mansoor
18. V.Shabeena Thaseen
19. Humera Afreen
20. V. Fahmina Amreen
21. V.M. Ameer
22. S. Mohammed Muthasir
23. M. Mohammed Muzaffer
24. Fakiya Pirdose

25. C. Ayesha Sulthana
26. Mohammed Muzamil
27. Fathima Bee
28. Sadiq Basha
29. Mohammed Siddique
30. Parveen Banu (died- suit abated)
31. P. Maimoona Najeen
32. Malliga Banu
33. Baseerunnisa
34. Jameel Ahmed (died – suit abated)
35. Riza Ahmed
36. A.Fajulur Rahman Sahib
37. C.Shafeeq Ahmed
38. The Sub-Registrar, Arcot.
39. The Tahsildar, Walaja Taluk, Walaja.Defendants.

This suit is coming before me for final hearing on 01.04.2026 in the presence of Thiru K.Solmuthu Azhagan, Advocate for the Plaintiff and Thiru.D.Bharath and Thiru.Sajid Mohammed, Advocate appeared for the defendants 1 to 29, 31 to 33 and 35 to 37 but after filing of written statement they were called absent and set exparte and the defendants 30 and 34 died and the suit against them was dismissed as abated, the Government Pleader appeared for the defendants 38 & 39 but not filed written statement and hence they were set exparte and upon hearing the arguments of plaintiff's side and having stood over for consideration till this day, this court delivered the following;-

JUDGMENT

The plaintiff has filed the suit praying this court to pass a decree and judgment for the reliefs of declaration of his title over the suit property with consequential relief of permanent injunction restraining the defendants 1 to 37 from in anyway interfering with his peaceful possession of the suit

property, to declare that the General Power of Attorney deed dated 20.04.2021 executed by the defendants 1 to 34 in favour of the defendants 35 to 37 as null and void, to restrain the 38th defendant from registering any documents in respect of the suit property and to restrain the 39th defendant from transferring the Patta and also for the cost of the suit.

1. The plaintiff has averred that one A.M.Subramania Naickar has purchased the suit property with more extent from the Power of Attorney of one Mathina Bi and others by virtue of a registered sale deed dated 27.09.1985 and during the year 2003, a portion of the land measuring 0.40 acres out of the total extent of 1.64 acres was acquired by the Government for the formation of 4 way National Highways and the remaining land measuring an extent of 1.24 acres had been in possession and enjoyment of the said A.M.Subramania Naickar and after his demise, his two sons namely Pannerselvam and Karunakaran (plaintiff) had partitioned the property in the year 2012 by means of a registered partition deed dated 12.09.2012 and by which 0.57 acres was allotted to the share of A.S.Pannerselvam and remaining extent of 0.67 acres was allotted to the share of the plaintiff; that the plaintiff has been in possession and enjoyment of the suit property; that the defendants 1 to 34 who had no right over the suit property have executed a General Power of Attorney deed in respect of the suit property on 20.04.2021 in favour of the defendants 35 to 37 and they have falsely claimed right over the suit property and the Government Officials who are arrayed as defendants 38 and 39 are also supporting them in creating fraudulent documents and hence the suit is filed.

2. The Government Pleader appeared for the defendants 38 and 39, but did not file written statement and hence the defendants 38 & 39 were set

exparte, the defendants 30 and 34 reported as died, but the plaintiff did not take steps to implead their legal heirs and hence the suit against them was dismissed as abated and the defendants 1 to 29, 31 to 33 and 35 to 37 alone had appeared and filed written statement, but they did not come forward for cross examination of PW1 and hence they were also set exparte on 23.03.2026. Even though the above defendants filed written statement denying the case of the plaintiff, they did not come forward either to contest the case or to adduce any evidence.

3. On the basis of the pleadings, this court had framed the following issues for trial.

1.	Whether the plaintiff has got right and title over the suit property as claimed by him?
2.	Whether the plaintiff was in possession and enjoyment of the suit property on the date of filing of the suit?
3.	Whether the General Power of Attorney Deed dated 20.04.2021 executed by the defendants 1 to 34 in favour of defendants 35 to 37 is void as alleged by the plaintiff?
4.	Whether the plaintiff is entitled to get the relief of declaration in respect of General Power of Attorney Deed dated 20.04.2021 as prayed for?
5.	Whether the plaintiff is entitled to get the relief of declaration of title and consequential relief of Permanent Injunction as prayed for?
6.	Whether the plaintiff is entitled to get the relief of Permanent Injunction against the defendants 38 & 39 as prayed for?
7.	To what other relief?

4. On the side of the plaintiff, the plaintiff was examined as PW1 and Ex.A1 to Ex.A9 such as true copies of sale deeds in favour of Mathina Bi and others, true copy of General Power of Attorney deed executed by the Mathina Bi and others in favour of Abdul Jaleel Sahib, true copy of sale

deed in favour of A.M. Subramaniam Naicker, Online downloaded copy of partition deed executed among Deivaanai Ammal, Karunakaran and Panneer selvam, Computer generated copy of Patta in the name of Subramani, Online downloaded copy of General Power of attorney deed dated 20.04.2021, Copy of notice issued by the Tahsildar (Land Acquisition) Ranipet to Subramani and Xerox copy of Patta Pass Book in the name of A.M.Subramani Naickar were marked. Besides PW1, no other witness was examined.

5. On perusal of Ex.A1 sale deed dated 05.04.1973, it is clear that Mathina Bi and others had purchased 1.41 acres in S.No.23/3A and the said Mathina Bi and others had also purchased another 81 cents of land in S.No.23/3A under Ex.A4 sale deed dated 01.12.1972. It is clear from the above sale deeds that the said Mathina Bi and others had totally purchased 2.22 acres in S.No.23/3A. It is seen from Ex.A2 true copy of General Power of attorney deed dated 22.05.1985 that the said Mathina Bi and others had authorized one Mr.Abdul Jaleel Sahib to sell their properties. On perusal of Ex.A3 true copy of sale deed dated 27.09.1985, it is clear that the said Abdul Jaleel Sahib had sold 1.64 acres to A.M.Subramaniam Naickar.

6. It is also seen from perusal of Ex.A8 notice issued by the Special Tahsildar (Land Acquisition) Ranipet that land acquisition proceeding has been initiated in respect of 1600 Sq. Meter in S.No.23/3A2B by the Government. The plaintiff has produced Ex.A5 copy of registered partition deed dated 12.09.2012 and it is clear from perusal of the same that the suit property viz., 67 cents of land was allotted to the plaintiff in S.No.23/3A2A. The plaintiff has also produced Ex.A6 Chitta in the name of Subramani Naickar for S.No.23/3A2A in respect of 0.50 ares. It is also clear from Ex.A9 patta pass book that initially the patta was granted in

favour of Subramani Naickar for the total extent of 0.66.5 ares. On careful perusal of the oral and documentary evidences adduced on the side of the plaintiff, this court is of the view that the plaintiff has established his title and lawful possession over the suit property on the date of filing of the suit. As stated above, even though the defendants 1 to 29, 31 to 33 and 35 to 37 had filed written statement, they did not participate in the trial and not adduced any oral or documentary evidence.

7. The plaintiff has alleged that the defendants 1 to 37 who had no right over the suit property, had fraudulently created General Power of Attorney deed dated 20.04.2021 in respect of the suit property and also attempted to get Revenue records in their names. Considering the plaint averments and evidences adduced on the side of the plaintiff, this court is of the view that the plaintiff is entitled to get the relief of declaration of title with consequential relief of permanent injunction in respect of the suit property.

8. The plaintiff has also prayed the relief of declaration in respect of General Power of Attorney deed dated 20.04.2021. It is seen from perusal of Power of Attorney deed dated 20.04.2021 that the defendants 1 to 34 had executed the same in respect of the suit property and also in respect of some other properties. As this court has come to the conclusion that the plaintiff is entitled to get the relief of declaration of title, this court is of the view that the plaintiffs can also get the relief of declaration in respect of the General Power of Attorney deed dated 20.04.2021 only in respect of the suit property as null and void. Since some other properties also given in the said Power of Attorney deed, it cannot be totally declared as void or set aside.

9. The plaintiff has prayed the relief of permanent injunction against the defendants 38 and 39 who are the Government Officials. It is to be noted that the plaintiff has not impleaded the Government of Tamil Nadu as a party to the suit as required Under Order 27; Rule 5(A) CPC for getting any reliefs against the defendants 38 and 39. It is to be noted that Order 27 and Rule 5(A) of CPC mandates that when a suit is instituted against the public officer for damages and other relief in respect of any act alleged to be done by them in their official capacity, the Government shall be joined as a party to the suit. Hence the plaintiff is not entitled to get the reliefs of permanent injunction against the defendants 38 and 39. The above issues are answered accordingly.

In the result, the suit is partly decreed with cost and the relief of declaration of title with relief of consequential permanent injunction against the defendants 1 to 29, 31 to 33 and 35 to 37 is granted as prayed for. The relief of declaration in respect of General Power of Attorney deed dated 20.04.2021 is granted only in respect of the suit property and as such the said General Power of Attorney deed dated 20.04.2021 is declared as Null and Void only in respect of the suit property. The suit in respect of permanent injunction as against the defendants 38 and 39 is dismissed.

Dictated by me to the Steno-Typist transcribed and typed by her, corrected and pronounced by me in the open court on this the 10th day of April 2026.

I Additional District Judge,
Ranipet.

Witness Examined on the side of Plaintiff.

PW1	Thiru.Karunakaran
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Exhibits marked on the side of the Plaintiff

Ex.A1	05.04.1973	Sale deed executed by Abdul Ajis Sahib in favour of Mathina Bi and others.	(True copy)
Ex.A2	22.05.1985	General Power of Attorney deed executed by the Mathina Bi and others in favour of Abdul Jaleel Sahib.	(True copy)
Ex.A3	27.09.1985	Sale deed executed by the Power agent of Mathina Bi and others in favour of A.M.Subramani Naickar	(True copy)
Ex.A4	01.12.1972	Sale deed executed by Khizar Ahmed and Javeeth Basha in favour of Mathina Bi and others	(Online downloaded copy)
Ex.A5	12.09.2012	Partition deed executed among Deivanai Ammal, Karunakaran and Panneer selvam	(Online downloaded copy)
Ex.A6	08.09.2021	Chitta stands in the name of Subramani Naickar	(computer generated copy)
Ex.A7	20.04.2021	General Power of attorney deed.	(Online downloaded copy)
Ex.A8	23.05.2003	Notice issued by Special Tahsildar (Land Acquisition) Ranipet to Subramani.	(Xerox copy)
Ex.A9	----	Patta bass book stands in the name of A.M.Subramani Naickar	(Xerox copy)

I Additional District Judge,
Ranipet.