

**IN THE COURT OF THE DISTRICT MUNSIF, ARAKKONAM,
RANIPET DISTRICT**

PRESENT: Selvi. A.Ameena.,BBA.,LLB(Hons).,

DISTRICT MUNSIF, ARAKKONAM

Friday on the 25th day of July 2025

I.A.No. 02/2025

in

OS.No.33/2025

S.Inbasakaran

Petitioners/ Plaintiff

/Vs/

1. Dasarathan,
2. The District collector,
3. The Revenue Divisional officer,
4. The Tahsildar, Arakkonam
5. The Tahsildar, Nemili

Respondents/ Defendants

This Petition came up for final hearing before me on 17.07.2025 in the presence of Mr.V.Senthilkumar Counsel appearing petitioner. Mr.S.Thiyagarajan counsel appearing for R1. Government Pleader counsel appearing for R2 to R5. Both side enquiry heard. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

This Petition is filed by the petitioner under order 39 Rule 1 and 2 and section 151 of Cpc prayed to the interest of justice to grant temporary injunction restraining the 1st respondent his men, agents and servants from any way interfering with petitioner's peaceful possession and enjoyment of the petition schedule property and including water pipe line connections.

1. Brief averments in the petition:-

The plaintiff submit that the plaintiff is a power agent. The plaintiffs mother namely Rajeswari was executed the power of attorney in favour of plaintiff. The plaintiffs mother is the owner of the suit schedule property and she is unable to taking care the suit property, due to this, the said Rajeswari was executed the power of Attorney in favour of the plaintiff dated 20.03.2024. The plaintiff submit that the suit schedule property is situated at Arumpakkam Village, Arakkonam Taluk as S.No. 238/1..an extent of 1 acre 86 cents and S.No. 304/1A1..an extent of 4 acre 16 cents. The suit schedule property was purchased by the plaintiffs principal (his mother from one T. Yovan and T.Navaraj in year 2002 and also registered document No. 7/2002.

Further submit that the plaintiff and his principal were cultivating in the S.No. 238/1 an extent of 1 acre 86 cents and also the S.No. 238/3A an extent of 1 acre totally 2.86 cents. After purchased the suit schedule property, the plaintiffs principal was cultivating (he property since the date of purchase of the property. Due to the water problem, she was dig the ground formed the pipe line from Selvamanthai Village, which is neighboring village and also very closest distance to the suit schedule properly. This pipe line was formed in the year 2002 with the permission of some of of the neighboring land owners namely .Mr. Annasamy, Mr. Durai and Mr. Kristappa Naidu. The plaintiffs principal was properly got permission and she was formed i'he pipe line setup four feel below in the said neibouring owners into the suit property. This pipe line was tunneled from the Selvamanthai Village into suit property.

Due to this, the plaintiffs principal was put-up (he pipeline and she has been cultivating the sesame crops and other multiple crops in the suit schedule property and other property belongs to the plaintiffs principal. the said Mr. Annasamy was sold his property to one Sagayam in the year 2006 and thereafter this Sagayam was sold the property to the 1st defendant in the year 2013. After purchasing the property, the defendant has been keeping silent past 12 years without any disturbance and

hindrance to the plaintiffs principal but on 19.02.2025, without any manner, he was disturbed that not to take water under pipeline at his property.

Due to this, the plaintiff and his principal (mother) were went to the property and requested not to remove pipeline cap because if the sesame crops goes without water, it will dry up and die and I will suffer a lot of losses and mental agony. So the plaintiff was requested to the P^c defendant to stop this kind of acts and activities, but the defendant and his wife were neglected and refused to receive the plaintiffs and plaintiffs principal words. plaintiffs principal lodged complaint before the Inspector of Police at Taluk Police Station dated 202.2025. After that the police authorities have enquired the matter and issued CSR. No. 226/2025 dated 08.03.2025 in his favour.

The Plaintiff submits that without any rights the 1st defendant came to the suit schedule property and tried to remove the pipeline cap without having any right. The 1st defendant has no way connected to the suit schedule property and he is the neighbor to the plaintiff and he is trying to remove the water pipeline cap at the suit schedule property dated 22.03.2025. Due to this act and activities of the 1st defendant, the paddy field is dried without water and dying. The defendant's ulterior motive is not to cultivate in the suit schedule property and to evict the plaintiffs from the suit schedule property.

The plaintiff submit the plaintiff and his principal were advised to the defendant not to disturb, but he is neglected to receive the advice, scolded and threatened to the plaintiff on 19.02.2024. In the meantime, on the next day the plaintiff was lodged the police complaint before the S.I of Police, Arakkonam Taluk Police Station as against the P' defendant. At the time enquiry, the 1st defendant is stated that "I will not disturb any manner hereinafter" in the plaintiff peaceful possession and enjoyment of the suit schedule mentioned and the pipe line connection to the suit schedule property. The plaintiff further submits that after the

police complaint, again the 1st defendant came to the suit property on 22.03.2025 and trying to stop the watering to the paddy field and trying to remove the pipeline cap in the plaintiffs property.

The plaintiff further submits that the 1st defendants is without having any right made an attempt to interfere with the plaintiffs peaceful possession and enjoyment of the suit schedule property. The acts and activities of 1st defendant is highly illegal and against the provisions of law. Therefore, the plaintiff* approached this Hon'ble Court interference is necessarily. The prima facie case is made out and the balance of convenience is in favour of the plaintiff only. The 2nd to 5th defendants are formal parties of the suit.

Therefore, prayed to grant temporary injunction restraining the 1st respondent his men, agents and servants from any way interfering with my peaceful possession and enjoyment of the petition schedule property and including water pipe line connections.

2. Brief averments of the counter

The respondent submits that the petition filed by the petitioner to grant temporary injunction till the disposal of the suit restraining the 1st respondent / defendant, their man, agent and servants from anyway interfering with the petitioner peaceful possession and enjoyment of the petition schedule property and including water pipe line connections in any manner till the disposal of the suit is not maintainable either in law or on facts. The respondent further states that the irrigation water pipe line laid below 1 1/2 feet from the existing ground level.

The respondent submits that the time of harvesting the petitioner mentioned pipeline was leak a water so the respondent approached the petitioner and told that the pipeline water was leaked and the harvesting is damage so please stop the water at the time of harvesting in my land but the petitioner not cared about that he wantonly

negligent and the respondent facing a lot of problems to harvesting the paddy so the respondent again approached the petitioner but he wantonly pick up a quarrel with the respondent and after that the petitioner lodged a fake complainant against the respondent in Arakkonam Taluk Police Station and the police authorities have enquired the matter after that the police authorities advised to both side it is a civil nature case you both are resolve it through the court. After that the petitioner using his political influence and some Rowdy Elements he wontedly pickup a quarrel and threatening to the respondent and his family members after that the respondent sister in law namely Tmt.Tamilselvi lodged a complainant in Arakkonam taluk police station against to the petitioner.

Respondent submits that he is a neighbor land owner of petitioner property. the respondent denies all the allegations and averments in para no.6 of the petition affidavit namely they trying to trespass and trying to remove the water pipeline cap in the suit schedule property. Due to the act and activities of the 1st respondent the paddy filed is dried without water and dying. I and my principal was advised to the 1st respondent but he is neglected to receive the advice, scolded and threatened to me and my principal “if you object or disturb me, your life would be questionable” ., etc as absolutely false and baseless one the respondent submits that the petitioner has not cultivated any crop on the suit schedule property for past 3 years. The petitioner wontedly opened the pipeline water at the time of crop harvesting by the respondent. There is no case of action to maintain this suit and petition the alleged case of action is a myth and imaginary and do not subsist and the suit and petition is liable to be dismissed with awarding compensatory cost under section 35A of civil procedure code.

3. Points for consideration:

Whether this petition allowed or not?

On petitioner side witness and examined on Ex.P1 to Ex.P9 are marked and Respondent side no witnesses and examined are marked.

4. Discussion and findings

4.1 Heard both sides. Perused the records. This court upon perusing the petition, counter and Ex.P1 to Ex.P9 this court of opinion that the petitioner him self has stated in the petition that the water pipe line is been connected from respondent's land at this stage it is necessary to note that the suit property is agricultural land thus in considering that the agricultural crops should not get dried this court in interest of justice is of opinion to allow this petition by granting temporary injunction against the respondent's with respect to not disconnect water pipe line connected from defendant's land to petitioner's land until the disposal of the suit.

In result this petition is allowed. No cost.

Dictated to typist directly, typed in her computer corrected and pronounced by me in the Open court on 25th day of July 2025

**District Munsif,
Arakkonam.**

Petitioner side witnesses**Petitioner side Exhibits :-**

01.	Ex.P1	20.03.2024	Power of Attorney - Certified copy
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02.	Ex.P2	29.09.2023	Sale deed document No.07/2022 - Certified Copy
03.	Ex.P3	20.02.2025	CSR. No.226/2025 - Original
04.	Ex.P4	08.03.2025	The plaintiff's principal given representation D2 to D5 and postal receipts – Office copy
05.	Ex.P5	17.03.2025	2 nd representation and D2 issued receipt – Original
06.	Ex.P6	03.04.2025	Patta – Online copy
07.	Ex.P7	-	The Photo copy of the suit schedule property
08.	Ex.P8	-	Encumbrance Certified – Online copy
09.	Ex.P9	-	Plaintiff Adhar Card – Xerox copy

Respondent's side witnesses and Exhibits :- -NIL-

**District Munsif,
Arakkonam**