

**DMC ARAKKONAM 1 IA.No.01 of 2024 IN OS.46/2024
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Tuesday the 11th day of November 2025

IA.No.01 of 2024

IN

OS.No. 46 of 2024

(CNR - TNRP080000822023)

T.Vasudevan

---Petitioner/Plaintiff

(vs)

V.C. Munusamy

---Respondent/Defendant

This petition is coming for final hearing before me on 28.10.2025 in the presence of Mr.G.Alwin counsel appearing for Petitioner/plaintiff and Mr.S.Sampath Kumar counsel appearing for respondent/defendant. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

Order

The petition is filed for granting temporary injunction restraining the respondents defendant dear men and agents from in any manner interfering the suit property till the disposal of the suit and pass ad injunction till the disposal of the application and grants such other suitable orders.

1.Brief Averments of petition:

1.1. The petitioner states that the suit property was originally belonged to the petitioners mother namely late Jagadamba in the year of 2006 the Tamil Nadu Government issued an assignment Patta in favor of Jagadamba wife of Thulukanam. And government has given the petitioner mango trees to cultivate them. From the

date of assignment patta Jagadammal and petitioners family are cultivating in the suit property.

1.2. On 26.6.2019 the petitioners mother Jagadammal died interstate leaving behind the plaintiffs to succeed her estate. After the death of Jagadammal the plaintiff and brother and sister jointly cultivating in the suit property. Except Jagadammal legal has nobody has got any manner of right title or interest over the suit properties. By being in open continuous peaceful position and enjoyment of the suit property for the past more than 18 years the plaintiff has got perfect title to the suit properties. And plaintiff's mother and plaintiff did not execute any deed in favor of defendant.

1.3. Further states that the defendant has illegally encroached the government land on the eastern side of the soup property bearing survey number 16/2, 18/4 the above set survey numbers belongs to government the defendant don't have any right over the government property. Since 10.06.2024 the defendant falsely claiming the suit site and is trying to encroach the plaintiff schedule property. The plaintiff further states that descent action of the defendant is highly illegal and improper. The defendant has no manner of right, title or interest whatsoever over the suit properties including the suit site. Hence, filed this petition for interim injunction.

2.Brief Averments of Counter:

2.1. The defendant states that it is true that the suit property belonged to the plaintiff mentioned Jagadammal. It is also true that the government issued the assignment patta in favor of this said Jagadammal. The plaintiffs have to prove that they are the legal heirs of the said Jagadammal. Further states that actually the set Jagadammal sold the property to the defendant for the valid sale consideration of rupees 6,00,000. Since the suit property was given with the condition patta in favor of the said Jagadamba she was unable to execute the sale deal and so they said Jagadammal executed the general power of attorney deed dated 16.07.2009 bearing document number 1656 of 2009. On the same day they said Jagadammal executed unregistered sale deal dated 16.07.2009 for valid sale consideration of rupees 6 lakh.

2.2. At the time of executing the power of attorney, Jagadammal handed over the original assigned Pata to the defendant and so the Jagadammal handed over the title deed that is the original assigned Patta to the defendant. Further states that the defendants expense rupees 8,00,000 for leveling the suit property to convert the barren land into the cultivable land the defendant also has grown up the mango trees and some other trees. Have also constructed the house in the suit property so the defendant has been in possession and enjoyment of the suit property from the date of the general power of attorney deed dated 16.7.2009. When the defendant has been in possession and enjoyment of the suit properties as per the irrevocable general power of attorney there is no any necessity to encroach the suit property. Further since the defendant has been in possession and enjoyment of the suit property, the suit for permanent injunction against the defendant is not maintainable. Hence prayers to dismiss the petition with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

On the side of petitioner no oral evidence was examined. Ex.P1 to Ex.P11 marked. On the side of respondent no oral evidence was examined. Ex.R1 to Ex.R3 were marked.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner/plaintiff is that the government issued assigned patta in favor of plaintiff mother Jagadammal. The said Jagadammal died intestate on 26.09.2019. After her death plaintiff as legal heir owned the property and is cultivating in the suit property but the defendants are interfering and prays for temporary injunction. Whereas the contention of the respondent is that the said Jagadammal executed power of attorney in favor of respondent and also executed unregistered sale deed for Rs. 8,00,000.

4.2. Upon perusal of rival submission this court is of opinion that Ex.P1 it reveals that S.No.16/1, 18/8 dated 19.06.2024 computer patta is in name of

Jagadammal. Ex.P2 reveals the said Jagadammal died on 26.09.2019. Ex.P3 reveals the husband of Jagadammal died on 01.08.2012. Ex.P4 reveals that Vasudevan.T, M.Rajalakshmi, T. Jemini are legal heirs of Jagadammal. Ex.P5 reveals that A register is in name of Jagadammal. Ex.P6 reveals 07.01.2009 dated fasili and 03.06.2024 dated fasili in the name of Jagadammal. Ex.P7 is the Fasili receipt in the name of Jagadammal for the year 2024. Ex.P8 reveals there is no encumbrance.Ex.P9 to 11 are the sketch, Guideline value.

4.3. At the outset, it is clear that the petitioner/plaintiff has established the patta for the suit property till filing of this suit is in name of Jagadammal. She died leaving behind plaintiffs as legal heirs. The fasili, Adangal receipts are also in the name of Jagadammal upto the filing of this suit. Hence the petitioner has very well proved the prima facie case. From perusing the Adangal receipts it is clear that plaintiff is in possession of suit property and is cultivating. Thus, balance of convenience and irreparable loss has been established.

4.4. Per contra, the respondent has adduced Ex.R1 which reveals original assignment Patta in name Jagadammal. Ex.R2 reveals the power of attorney executed by Jagadammal in favor of defendant. Ex.R3 is the unregistered sale deed executed by Jagadammal in favor of defendant. From perusing the above documents this court is of opinion that the respondents/defendants is claiming right over the property but has have not adduced any documents to prove his possession over the suit property. The validity of the documents adduced by the respondent/defendant can be determined only at the time of trial. Thus, none of the documents establishes the possession of respondent/defendant toward the suit property on the other hand it is clear that the petitioner/plaintiff has established and satisfied the three test of temporary injunction. Hence, in interest of justice this court is inclined to allow this petition. In result temporary injunction is granted restraining the respondent/defendant, their men, their agent from interfering with the peaceful possession of petitioner's peaceful possession in the suit schedule property till the disposal of the suit. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 11th day of the November 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Petitioner side Exhibits:-

Ex.P1	-	Patta No.697 in the name of Jagadamal
Ex.P2	-	Death certificate of the Jagadamal
Ex.P3	-	Death certificate of the Thulukanam
Ex.P4	-	Legal heir certificate of Jagadamal
Ex.P5	-	S.No.16/1 A Register copy
Ex.P6	-	Property tax in the name of Jagadamal

Respondent side witnesses :- NIL

Respondent side Exhibits :-

Ex.R1	-	Patta in the name of Jagadammal
Ex.R2	-	Power of attorney executed by Jagadammal in favor of defendant
Ex.R3	-	Unregistered sale deed executed by Jagadammal in favor of defendant.

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