

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICTPresent: **Thiru. M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Tuesday, this the 11th day of November 2025**I.A.No. 07 of 2025****in****O.S. No. 234 of 2016**

(CNR No. TNSA17-000079-2016)

1. Chandrasekar

2. Kousicraj

... Petitioners/Plaintiffs

/versus/

1. Sumathi

2. Kolandai gounder

... Respondents/Defendants

This petition is heard in the presence of Mr. R.P. Annamalai., B.A., B.L., the Learned counsel for the Petitioners/Plaintiffs and Mr. B. Balamurugan., M.A., M.L., the Learned counsel for the Respondents/Defendants. Enquiry heard and having stood over for my consideration till this day, this court delivered the following,

ORDER

Petition filed by the petitioners/plaintiffs under Order 16 Rule 1(4) of CPC to pass an order to issue summons to the Village Administrative Officer to produce documents and for giving evidence on the side of the petitioners/plaintiffs.

1.Brief averments in the petition filed by the petitioner is as follows:

1.1. The petitioners are the plaintiffs in the original suit and the same was filed for the relief of declaration and permanent injunction. At the filing the suit, the respondents and their men had made attempt to dismantle and to destroy the water pipe line and also the open drainage in the common lane portion and also to annex the common lane. The same was prevented by the petitioners with the help of their neighbours. The respondents had also denied the right of the petitioners over the

pipe line and the drainage, which was recognized by the panchayath. There is a clear mention in the revenue records that the common lane portion are classified as Santhu Vaikal. So the petitioners had filed the suit.

1.2. The said Santhu Vaikal is for the water pipe line and the drainage water line and for usage of 7-1/2 feet public pathway. There is no other way to use the water pipe line and the drainage water line and usage of the pathway. In order to meet the ends of justice, the petitioners wants to summon and examine the Village Administrative Officer of the suit village with relevant revenue records for the existence of Survey no. 334/4 and 334/15, which is classified as Santhu Vaikal and which is for the water pipe line and the drainage water line and for usage of the 7-1/2 feet public pathway. Hence, this petition.

2. Brief facts in the counter filed by the 2nd respondent and adopted by 1st respondent is as follows:

2.1. The respondents had specifically denied the averments put forth by the petitioners in their petition. The suit has been filed by the petitioners claiming the right of water pipe line and drainage pipe line in order to grab a portion of the respondents property. There is no revenue records, which classifies the suit property as common lane or common vaikal or it can be used to drain the sewage water. The petitioners had not established their alleged rights by the way of documents.

2.2. The alleged Santhu Vaikal is commonly belongs to the respondents herein and One Sivananam and Venkatachalam. This petition to examine the VAO has no prima facie. The petitioners had already produced the revenue records on their side. The VAO is entitled only to depose about the revenue records produced by him. But the alleged revenue records was already marked on the side of the petitioners. Hence, this petition is an unwarranted one and therefore, liable to be dismissed.

3. No oral and documentary evidence on either side.

4. Points for Consideration:

(i) Whether this petition has to be allowed or not ?

6. Both side rival submissions heard with regard to their respective pleadings and perused the materials on record. The original suit is filed by the petitioners/plaintiffs to declare the sale deed dated 20.06.2016 in favour of the 1st respondent is null and void and to declare that the petitioners are having every right of enjoying the suit A schedule ABCDEFGH portion in drainage right and W1 to W2 portion in drinking water pipe line and for the consequential relief of permanent injunction restraining the respondents from destroying or dismantling them.

7. The 2nd petitioner was already examined as PW1 and marked Ex.A1 to Ex.A11 and Ex.C1 to Ex.C5 and was also cross examined on the side of the respondents. The stage of the case is for further Pws. At this stage, the petitioners/plaintiffs had filed this petition to direct the Village administrative officer of the suit village to produce the revenue records in respect of the suit properties in Survey no. 334/4 and Survey no. 334/15, which is classified as Santhu Vaikal in the revenue records, which is 7-1/2 feet public pathway and was used to carry the water pipe line and the drainage water line of the petitioners.

8. It is the contention of the petitioners that they are having right over the alleged 7-1/2 feet common lane and they had also laid the drainage and water pipe line therein. The said common lane portion was clearly classified as Santhu Vaikal in the revenue records, which is to be used to carry the water pipe line and the drainage water line. Hence, in order to establish the said contention, the petitioners wants to examine the Village administrative officer of the suit village with revenue records. The contention of the petitioners to this effect is considerable in force for the alleged claim made by them in the suit.

9. The respondents though denied the averments made by the petitioners in their counter statement, this court considers that an opportunity can be given to the petitioners to examine the Village administrative officer of the suit village with the revenue records pertaining the suit property in order to establish the case. Because, it is well settled that the parties to the proceedings has to be provided with sufficient opportunities to put forth their case to the considered opinion of this court. The respondents would also no way be prejudiced, if the Village administrative officer of the suit village is examined before this court. Further more, the same would also be helpful to this court to arrive a proper conclusion and fair determination of the suit proceedings. The respondents had also not established anything to the contrary. Hence, in order to advance the interest of justice and to avoid multiplicity of proceedings, this court is inclined to allow this petition.

In the result, this petition is allowed. Considering the facts and circumstance of this case, there is no orders as to cost.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 11th day of November 2025.

**District Munsif,
Mettur.**

Both side witnesses and exhibits: Nil

**District Munsif,
Mettur.**