

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT

Present: Thiru. M.Selvam, B.A., B.L.,

District Munsif, Mettur

Friday, this the 27th day of March 2026**O.S. No. 115 of 2020**

(CNR No. TNSA17-000151-2020)

K.P. Srinivasan

... Plaintiff

/Versus/

1. Kandasamy (Died)
2. Vijaya Lakshmi
3. Prabakaran

... Defendants

This suit came up before me for final hearing in the presence of Mr. P. Siddhan., B.A., B.L., the Learned counsel appearing for the plaintiff. The defendants 2 and 3 were set-exparte on 26.11.2025. The 1st defendant was died on 10.04.2024, while the suit is pending. Exparte enquiry heard and having perused the entire records and having stood over for my consideration till this day, this court delivered the following,

JUDGMENT

Suit for permanent injunction, to restrain the defendants and their men from in any causing disturbance to the plaintiff's peaceful possession and enjoyment of the suit property along with the zinc sheeted roofed shed to an extent of 10 x 16 sq.ft and various facilities to conduct poojas and ceremonies to the Lord Vinayakar Idol therein.

1) Brief averments in the plaint is as follows:

1.1. The plaintiff is the absolute owner of the suit property as per the registered gift settlement deed dated 29.12.2011 in document no. 4223/2001 in patta bearing no. 881 to an extent of 0.58 $\frac{3}{4}$ cents of land in Vanavasi Village and was being in

possession of the same by cultivating various seasonal crops. The plaintiff is regularly paying the taxes to the concern authorities and the patta was also stands in the name of his mother. The defendants are husband, wife and son and the 1st defendant is having 2 ½ cents of land on the south west corner of the suit property. The defendants had already sold their other lands in the same village long back to various persons.

1.2. There is a Lord Vinayakar Idol and zinc sheeted roofed shed measuring to an extent of 10 x 16 sq.ft constructed by the plaintiff in the suit property some long time back and his family members were worshipping the presiding deity regularly. The plaintiff conducts various ceremonies to the Lord Vinayakar deity throughout the year. The defendants, who are adjacent land owners and are not liking the ceremonies and other poojas conducted by the plaintiff and the 1st defendant, who is also having eye over the suit property regularly giving pinprick troubles to the plaintiffs to grab the suit property to enlarge their property.

1.3. For the past one month, the defendants started used to direct the plaintiff to remove the zinc sheet roofed and other facilities made in the suit property to conduct poojas and other ceremonies. In fact, the said zinc sheet roofed and the other facilities to conduct the poojas and ceremonies are well within the boundaries of the suit property of the plaintiff without causing any disturbance or troubles to the 2 ½ cents of the property of the defendant.

1.4. Then on 26.08.2020 at about 11.30 A.M., the defendants and their men have tried to remove the zinc sheeted shed of 10 x 16 sq.ft as well as other facilities in the suit property by committing trespass. But their act was restrained by the plaintiff with the help of the well wishers and neighbours. Even then, the defendants were not amenable and was oftenly causing troubles and pinprick to the plaintiff in the suit property. Hence, this suit. While the suit is pending, the 1st defendant was died on 10.04.2024 leaving the defendants 2 and 3 as his legal heirs, who were already on record.

2) Brief averments in the written statement filed by the defendants is as follows :

2.1. The defendants had specifically denied the averments put forth by the plaintiff in his plaint. On the western and northwest side of the suit property, there has been the defendants ancestral property in Survey no's. 489/7B, 10, 11 and 12. The defendants had also been in possession of the Poramboke Land in Survey no. 489/12 and 491 for the past 90 years, which is situated southern side of the suit property. Thereafter, the 1st defendant had settled the properties in Survey no. 421/7, 487/7B, 10, 11 and 12 in favour of the 2nd defendant on 31.03.1999 and the patta for the said properties were also issued in the name of the 2nd defendant in patta no. 730.

2.2. On 05.09.2019, the defendants 1 and 2 had sold their property in Survey no. 489/7B, which is situated on the western side of the suit property to One Kandasamy along with the cart track rights being created by them therein in Survey no. 491 and 489/1. The said cart track was being used by the defendants for the past 90 years to reach their properties. Suddenly, on 18.08.2020, the plaintiff had encroached the cart track in Survey no. 491, which belongs to the defendants through possessory right and had constructed a roofed shed therein. When the same was questioned by the defendants, the plaintiff had removed the shed and had assembled some stones and placed Lord Vinayagar idol therein.

2.3. The defendants had convened a panchayat and requested the plaintiff to remove the same. But the plaintiff had filed this suit with false allegations. In fact, the said shed and Lord Vinayagar idol was not at all in the suit property. Then as per the amenable settlement held in panchayat in the month of January 2021, the plaintiff agreed to remove the same from the encroached portion of the defendants land. Thereafter, the plaintiff had removed the Lord Vinayagar Idol alone leaving the shed put up by him. As per the advice of the panchayatars, the

defendants had remove the shed and placed it in the plaintiff's land. The plaintiff had shown the suit property as Survey no. 487/7C and was trying to encroach upon the defendants land in Survey no. 491. The plaintiff is not at all having any right or possession over the property in Survey no. 491. Hence, this suit is liable to be dismissed.

3) Issues:-

3.1. Upon considering the plaint, written statement and the documents, the following issues were framed on 14.06.2023:-

(i) Whether the plaintiff proves his possession over the suit schedule of property as on the date of the suit ?

(ii) Whether the plaintiff proves the interference by the defendants with the plaintiff's possession and enjoyment in the suit shcedule of property ?

(iii) Whether the plaintiff proves the existence of Vinayagar Idol and zinc sheed roofed shed measuring 10 x 16 sq.ft in the suit property ?

(iv) Whether the plaintiff proves that on 26.08.2020 at about 11.30 A.M., the defendants were tried to trespass into the suit property and also tried to remove the zinc sheeted roofed shed situated in the suit property ?

(v) Whether defendants proves that the plaintiff had encroached and construced the shed by ostructing the pathway situated in the poramboke land under the possession and enjoyment of the defendants in Survey no. 491 ?

(vi) Whether the plaintiff is entitled for the relief of permanent injunction ?

(vii) To what other reliefs the plaintiffs are entitled for ?

4) Trial:

(i) In order to substantiate his claim, the plaintiff examined himself as PW1 and marked Ex.A1 to Ex.A8. On the other hand, there is no oral and documentary evidence on the side of the defendants.

5) Issue No. (i) to (vi):

5.1. The sum and substance of the case of the plaintiff is that the suit property belongs to him as per the registered gift settlement deed dated 29.12.2011 in document no. 4223/2011 and he was being in possession of the same by cultivating various seasonal crops and by paying necessary taxes to the concerned authorities regularly. The patta for the said property stands in the name of his mother. There is also a Lord Vinayakar Idol and zinc sheet roofed shed measuring to an extent of 10 x 16 sq.ft within the boundaries of the suit property and the plaintiff is also conducting various ceremonies and poojas therein. The defendants, who were adjacent land owners and disliking the ceremonies and having eye over the suit property started to give pinpricks troubles to the plaintiff and also on 26.08.2020 at about 11.30 A.M., they and their men tries to remove the same, which was restrained by the plaintiff with the help of well wishers and neighbours.

5.2. In this instant case on hand, the plaintiff examined himself as PW1 and deposed the plaint averments. The Ex.A1 to Ex.A8 marked on the side of the plaintiffs. The suit property described in the plaint schedule is situated in Vanavasi Village to an extent of 0.58-3/4 cents in Survey no. 489/7C. Ex.A1 is the registered gift settlement deed dated 29.12.2011 executed by the mother of the plaintiff namely Rajammal in favour of the plaintiff in respect of the suit property. Ex.A2 is the sale deed dated 15.07.1964 in favour of the plaintiff's mother Rajammal and One Kaliasammal, for herself and as guardian for his minor sons. On perusal of the same, it shows that the plaintiff's mother Rajammal and the said Kaliasammal along with his minor sons had purchased the suit property in Survey no. 489/7 to an total extent of 0.90 cents.

5.3. Ex.A3 is the patta for the suit property in Survey no. 489/7C and the property in Survey no. 484/4A stand in the name of the plaintiff's mother Rajammal. Ex.A4 is the adangal extract of the suit property in Survey no. 489/7C stand in the name of the plaintiff's mother Rajammal. Ex.A5 is the certificate issued by the

Village Administrative Officer, Vanavasi Village showing that the suit property in Survey no. 489/7C stand in the name of the plaintiff's mother Rajammal. Ex.A6 is the FMB sketch of the suit property. Ex.A7 is the aadhar card of the plaintiff's mother Rajammal. Ex.A8 is the photograph showing the Lord Vinayakar Idol and the zinc sheet roofed shed constructed by the plaintiff.

5.4. The above exhibits clearly shows that the plaintiff is in possession of the suit property as per the Ex.A1 – gift settlement deed executed by his mother and all the revenue records for the suit property stands in the name of his mother. Though the defendants had filed their written statement alleging that the plaintiff had constructed the Lord Vinayakar Idol and the zinc sheet roofed shed in the property belongs to them in Survey no. 491, they had not turned up to lead any evidence in this regard and remained exparte on 26.11.2025. However, they had admitted in the subsequent paragraphs in their written statement that as per the panchayat held between the plaintiff and the defendants, the Lord Vinayagar Idol and the zinc sheet roofed shed were now placed in the plaintiff's land. But further disputed that now the plaintiff had filed this suit by showing the suit property as in Survey no. 487/7C and was trying to encroach upon the defendants land in Survey no. 491.

5.5. It is well settled principle of law that the pleadings alone are not evidence and that a party who wants to prove anything made out of his/her pleadings has to give evidence to prove his/her assertion. The above legal proposition was also observed by **Our Hon'ble Supreme Court** in the case of **U.P. State Electricity Board & Anr vs Aziz Ahmad** in **CIVIL APPEAL NO. 318 OF 2009**, which reads as follows,

“Pleadings are required to be proved and so long evidence is not led in support of the pleadings no reliance can be placed only on the pleadings without there being any cogent evidence in support of the pleadings”

Therefore, as per the above observation, the pleadings of the defendants, by way of written statement, disputing the plaintiff's claim, without any evidence in support of the same does not have any consideration and liable to be rejected.

5.6. It is the contention of the plaintiff that the said Lord Vinayakar Idol and the zinc sheet roofed shed was put up by him only in the suit property. Though the defendants were aware about the said contention in the plaint pleadings had not come forward either to contest the suit or to disprove the plaintiff's claim, even they had knowledge about the pendency of the suit proceedings, for the best reason known to them. The evidence adduced by the plaintiff is neither rebutted nor disproved on the side of the defendants. Such being the position, it has to be held that the plaintiff had prima facie established his case and therefore, entitled for the relief of permanent injunction as sought for. Since, the 1st defendant died while the suit proceedings are pending leaving the defendants 2 and 3 as his legal heirs, the plaintiff is entitled for the suit claim as against the defendants 2 and 3 alone. These issues are answered accordingly.

6) Issue No. (vii):

6.1. Since the primary relief sought by the plaintiffs are granted in their favour as aforesaid, this court on considering the facts and circumstance of the case concludes that the plaintiffs are not entitled to any other relief. This issue is answered accordingly.

In the result, this suit is decreed as follows,

(i) The defendants 2 and 3 and their men are hereby restrained by way of permanent injunction from causing disturbance to the plaintiff's possession and enjoyment of the suit property along with the zinc sheeted roofed shed to an extent of 10 x 16 sq.ft and various facilities to conduct poojas and ceremonies to the Vinayakar Idol therein within the suit property.

(ii) Considering the facts and circumstance of this case, there is no order as to cost

This Judgment is typed by me in my official laptop, corrected and pronounced by me in open court on this 27th day of March 2026.

**District Munsif,
Mettur.**

Plaintiffs side witnesses:

PW1 - K.P. Srinivasan (Plaintiff)

Plaintiff side exhibits:

Ex.A1	29.12.2011	Gift settlement deed in favour of the plaintiff executed by his mother Rajammal	Original
Ex.A2	15.07.1964	Parental deed of the plaintiff's mother Rajammal	Original
Ex.A3	25.08.2020	Computer patta for the suit property in the name plaintiff's mother Rajammal	Online copy
Ex.A4	25.08.2020	Adangal extract for the suit property	Original
Ex.A5	25.08.2020	Certificate issued by Village Administrative Officer Vanavasi group in respect of the suit property	Original
Ex.A6		F.M.B Plan for the property in Survey no. 489 of Vanavasi Village	Photocopy
Ex.A7		Aadhaar for plaintiff's mother Rajammal	Photocopy
Ex.A8		Photos of the suit property (2No's)	Original

Defendants side witnesses and exhibits: Nil

**District Munsif,
Mettur.**