

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT**Present: Thiru. M.Selvam, B.A., B.L.,****District Munsif, Mettur**Thursday, this the 05th day of February 2026**I.A.No. 02 of 2023****in****O.S. No. 198 of 2023**

(CNR No.TNSA17-000268-2023)

Mohankumar

... Petitioner/Plaintiff

/Versus/

1. Palanisamy @ Jagadesan

2. Murugavel

3. Govindaraj

4. The President, Lakkampatty Panchayat

... Respondents/Defendants

This petition is heard in the presence of Thiru. I.K. Sadhasivam., M.Com., M.L., the Learned counsel for the Petitioner/Plaintiff and Thiru. S. Harinarayanan., B.Com., B.L., the Learned Government Pleader for the 4th Respondent/4th Defendant. The 1st respondent was set-exparte on 10.11.2023. The respondents 2 and 3 were set-exparte on 08.12.2023. Enquiry heard on both sides and having stood over for my consideration till this day, this court delivered the following,

ORDER

Petition filed by the petitioner/plaintiff Under Order 39 Rule 1 and 2 of C.P.C to pass an order of temporary injunction restraining the respondents and their men from in any way forming a new cart track in the suit property and thereby, disturbing the petitioner's peaceful possession and enjoyment over the suit property till the disposal of the original suit.

1. Brief facts in the petition is as follows:

1.1. The petitioner is the plaintiff in the original suit and the same was filed for the relief of declaration and permanent injunction. The suit property and other properties originally belongs to the petitioner's father namely Venkatachalam vide a registered sale deed dated 09.06.2005. After the said purchase, the petitioner's father had been in peaceful possession and enjoyment of the same and the revenue records of the properties were also mutated in his name.

1.2. Thereafter, the petitioner's father had executed a registered gift settlement deed dated 25.08.2021 in respect of the suit property in favour of the petitioner and the petitioner had also took possession of the same and the revenue records were also mutated in his name. While being so, the respondents 1 to 3, who are having lands nearby the suit property influenced the 4th respondent and thereby he had passed a resolution on 22.09.2023 in order to demand the petitioner an extent of 0.27 cents of land in the suit property to form a new cart track. The said resolution was passed by the 4th respondent without the knowledge and consent of the petitioner and therefore, the said resolution would not bind the petitioner.

1.3. After the resolution, the 4th respondent along with the other respondents had approached the petitioner on 02.10.2023 to execute a settlement deed to an extent of 0.27 cents of land in the suit property. Since, the petitioner had refused to do so, the respondents joined together on 20.10.2023 along with their henchmen and revenue peoples tried to measure the eastern side of the suit property in order to demark the cart track. The petitioner had stopped their illegal acts with the help of the nearby peoples.

1.4. Thereafter, the 4th respondent had also preferred a complaint before the Kolathur Police station for protection. Since, the 4th respondent is a local body, the police people had advised the petitioner to approach the civil court. Now, the

respondents and their men are threatening the petitioner that they would achieve their goal within a few days as per the resolution, which was passed without the consent and knowledge of the petitioner. Hence, the petitioner had come forward with this suit along with this temporary injunction application.

2. Brief facts in the written statement filed by the 4th respondent/4th defendant, which was adopted as counter in this petition is as follows:

2.1. The 4th respondent/4th defendant specifically denied the averments put forth by the petitioner in his petition. The suit property in survey no.222/3 and the property in survey no. 224 belongs to the petitioner. In between the said properties, there already exist a panchayat road to an extent of 6x198 meters. This suit is filed by the petitioner in order to grab the said panchayat road, in which the petitioner had no right or title. Hence, this petition has also to be dismissed.

3. The 1st respondent was set-exparte on 10.11.2023 for his non appearance, even after the receipt of court notice. The respondents 2 and 3 were set-exparte on 08.12.2023 for non filing of counter statement.

4. No oral evidence on either side. Ex.P1 to Ex.P4 marked on the side of the petitioner. Ex.R1 to Ex.R4 marked on the side of the 4th respondent.

5. Submissions:

5.1. The learned counsel for the petitioner/plaintiff had submitted that the suit property belongs to the petitioner and the same was also admitted by the 4th respondent, who is contesting the original suit as well as this intralocutory application. But the 4th respondent without the knowledge and consent of the petitioner, with the influence of the other respondents had passed a resolution on 22.09.2023 to demand the petitioner to give an extent of 0.27 cents of land in the suit property to form a new cart track and was trying to lay the same illegally.

Hence, the petitioner had come forward with this suit for the relief of declaration and permanent injunction along with this application for temporary injunction till the disposal of the suit.

5.2. Per contra, the learned Government pleader had submitted that there already exist a panchayat road in between the properties of the petitioner and this suit is filed by the petitioner only to grab the said panchayat road. Though the resolution was passed by the 4th respondent to lay a new cart track, since the petitioner had not shown his acceptance, the 4th respondent had also not proceeded as per the resolution passed by him.

6. Point For Determination:-

(i) Whether the petitioner is entitled for the relief of temporary injunction as sought for in the petition ?

7. Both side rival submissions heard and perused the pleadings and materials on record. The petitioner/plaintiff had filed the original suit for the relief of declaration to declare the resolution dated 22.09.2023 passed by the 4th respondent as null and void and not binding the petitioner and to restraint the 4th respondent and his men in any way forming a new cart track in the suit property and thereby, interfering with the petitioner's peaceful possession and enjoyment of the suit property and to restrain the respondents 1 to 3 and their men from in any way disturbing, obliterating and preventing the usage of the suit property by the petitioner. This interlocutory application is filed by the petitioner for the relief of temporary injunction in this regard till the disposal of the suit.

8. This court carefully perused the pleadings and the exhibits filed by the parties. Before going in to the discussion, this court wants to emphasis that it is well settled position of law that the courts should not proceed for mini trial of the

suit while granting or refusing an application for temporary injunction. It is also long established that for granting of temporary injunction courts has to be statisfied of three factors namely Prima Facie Case, Balance Of Convenience and Irreparable loss.

9. It is the case of the petitioner/plaintiff, that the suit property belongs to him and the 4th respondent with the influence of the respondents 1 to 3 had passed a resolution dated 22.09.2023 without the knowledge and consent of the petitioner to demand him an extent of 0.27 cents of land in the suit property to form a new cart track and thereby, the respondents are distrubing the possession of the petitioner in order to lay a new cart track therein.

10. Ex.P1 to Ex.P4 marked on the side of the petitioner in order to support his contention. Ex.P1 is the sale deed dated 09.06.2005 in respect of the suit property and other properties in the name of the petitioner's father namely Venkatachalam. Ex.P2 is the settlement deed dated 25.08.2021 executed by the petitioner's father in favour of the petitioner in respect of the suit property. Ex.P3 is the computerized patta dated 15.07.2022 in respect of the suit property, which stands in the name of the petitioner.

11. Ex.P4 is the resolution dated 22.09.2023 passed by the 4th respondent, which was also produced by himself by an order of this court. On perusal of the same, it shows that the 4th respodent herein had passed a resolution on 22.09.2023 in order to demand the petitioner to an extent of 180.8x6 meters of land in the suit property to lay a new cart track therein. On further perusal of the same, it shows that the petitioner had not made any signature admitting the said resolution. There was also no averments in the said resolution that the petitioner had also been persent on that day, while the resolution was passed.

12. The contesting 4th respondent had admitted that the suit property belongs to the petitioner and the alleged Ex.P4 resolution passed by him. However, the 4th respondent had disputed that this suit is filed by the petitioner only in order to grab the panchayat road already in existence in the suit property. Further, the learned Government Pleader had submitted that though the resolution was passed by the 4th respondent to lay a new cart track, since the petitioner had not shown his acceptance, the 4th respondent had also not proceeded as per the resolution.

13. On the side of the 4th respondent Ex.R1 to Ex.R4 marked, in which Ex.R1 and Ex.R2 are the FMB sketch of the suit property and the property in survey no.224. On perusal of the same, it shows that there already exist a panchayat road as alleged by the 4th respondent in between the suit property and the property in survey no.224. The Ex.R3 - A Register shows that the said pathway was classified as Iteri in the revenue records. Ex.R4 is the resolution dated 22.09.2023, which was already exhibited as Ex.P4 on the side of the petitioner.

14. In this instant case on hand, the petitioner is claiming the relief of temporary injunction only with regard to the formation of a new cart track in the suit property, which belongs to himself. He had not at all made any assertion in respect of the panchayat road, which was already in existence in the suit property. Though, the 4th respondent had contended that since the petitioner had not shown his acceptance, they had also not proceeded as per the resolution in order to lay a new cart track, the petitioner had prima facie established that the said resolution was passed without the consent and knowledge of the petitioner. The petitioner had also claimed the relief of declaration, to declare the Ex.P4 = Ex.R4 resolution passed by the 4th respondent as null and void in the original suit.

15. Such being the position, since the Ex.P4 = Ex.R4 resolution itself is challenged by the petitioner, if any such new cart track has been laid in the suit property, while the suit is pending, then the petitioner would suffer irreparable loss, which could not be compensated in any manner. While being so, this court forms opinion that if the injunction is refused, the weigh of the balance of the inconvenience which is likely to be caused to the petitioner will be greater than that of the respondents. Therefore, from the overhaul discussion and in the interest of justice, this court is inclined to allow this petition.

In the result, this petition is hereby allowed. The respondents/defendants and their men are hereby restrained by way of temporary injunction from in any way forming a new cart track in the suit property and thereby disturb the petitioner's peaceful possession and enjoyment over the suit property till the disposal of the original suit. Considering the facts and circumstance of this case, there is no order as to costs.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 05th day of February 2026.

**District Munsif,
Mettur.**

Petitioner side witnesses: Nil

Petitioner side exhibits :

Ex.P.1	09.06.2005	Sale deed in respect of the suit property and other properties in the name of the petitioner's father namely Venkatachalam	Certified Copy
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Ex.P.2	25.08.2021	Settlement deed executed by the petitioner's father in favour of the petitioner in respect of the suit property	Certified Copy
Ex.P.3	15.07.2022	Computerized patta in respect of the suit property stands in the name of the petitioner	Online Copy
Ex.P.4	22.09.2023	Resolution passed by the 4 th respondent	Photo Copy

Respondents side witnesses : Nil

Respondents side exhibits :

Ex.R.1	05.10.2023	FMB sketch of the suit property in survey no.223	Certified Copy
Ex.R.2	05.10.2023	FMB sketch of the suit property in survey no.224	Certified Copy
Ex.R.3	22.09.2023	A Register	Photo Copy
Ex.R.4	22.09.2023	Resolution passed by the 4 th respondent	Photo Copy

**District Munsif,
Mettur.**