

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT**Present: Thiru. M.Selvam, B.A., B.L.,****District Munsif, Mettur**Wednesday, this the 24th day of June 2026**O.S. No. 198 of 2023**

(CNR No.TNSA17-000268-2023)

Mohankumar

... Plaintiff

/Versus/

1. Palanisamy @ Jagadesan

2. Murugavel

3. Govindaraj

4. The President, Lakkampatty Panchayat

... Defendants

This suit is heard in the presence of Thiru. I.K. Sadhasivam., M.Com., M.L., the Learned counsel for the Plaintiff and Thiru. S. Harinarayanan., B.Com., B.L., the Learned Government Pleader for the 4th Defendant. The 1st defendant was set-exparte on 01.12.2023. The defendants 2 and 3 were set-exparte on 22.04.2024. Upon hearing both side submission and having stood over for my consideration till this day, this court delivered the following,

Judgment

This suit is filed by the plaintiff for the relief of declaration, to declare the resolution dated 22.09.2023 passed by the 4th defendant is null and void and not binding the plaintiff and to restrain the 4th defendant, his officials and his men in any way forming a new cart track in the suit schedule properties and thereby, interfering with the plaintiff's peaceful continuous possession and enjoyment of the properties by an order of permanent injunction and to restrain the defendants 1 to 3 and their men from in any way disturbing, obliterating and preventing the usage of the suit schedule properties by the plaintiff by an order of permanent injunction and for cost.

1. Brief facts in the plaint is as follows:

1.1. The suit property and other properties originally belongs to the plaintiff's father namely Venkatachalam vide a registered sale deed dated 09.06.2005. After the said purchase, the plaintiff'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. Thereafter, the plaintiff's father had executed a registered gift settlement deed dated 25.08.2021 in respect of the suit property in favour of the plaintiff and the plaintiff had also took possession of the same and the revenue records were also mutated in his name.

1.2. While being so, the defendants 1 to 3, who are having lands nearby the suit property influenced the 4th defendant and thereby he had passed a resolution on 22.09.2023 in order to demand the plaintiff 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 defendant without the knowledge and consent of the plaintiff and therefore, the said resolution would not bind the plaintiff.

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

1.4. Thereafter, the 4th defendant had also preferred a complaint before the Kolathur Police station for protection. Since, the 4th defendant is a local body, the police people had advised the plaintiff to approach the civil court. Now, the defendants and their men are threatening the plaintiff that they would achieve

their goal within a few days as per the resolution, which was passed without the consent and knowledge of the plaintiff. Hence, this suit.

2. Brief facts in the written statement filed by the 4th defendant is as follows:

2.1. The 4th defendant specifically denied the averments put forth by the plaintiff in his plaint. The suit property in survey no.223/3 and the property in survey no. 224 belongs to the plaintiff. In between the said properties, there already exist a panchayat road to an extent of 6 x 198 meters. This suit is filed by the plaintiff in order to grab the said panchayat road, in which the plaintiff had no right or title. Hence, this suit has also to be dismissed.

3. The 1st defendant was set-exparte on 01.12.2023 for his non appearance, even after the receipt of court summon. The respondents 2 and 3 were set-exparte on 22.04.2024 for non filing of their written statement.

4. Issues :

4.1. Upon perusal of the plaint, written statement and the documents, this court had framed for following issues on 19.07.2025 :

(i) Whether the resolution dated 22.09.2023 passed by the 4th defendant is null and void ?

(ii) Whether the plaintiff is entitled for the relief of declaration as prayed for ?

(iii) Whether the plaintiff is entitled for the relief of permanent injunction as against the 4th defendant as prayed for ?

(iv) Whether the plaintiff is entitled for the relief of permanent injunction as against the defendants 1 to 3 as prayed for ?

(v) To what other relief, the parties are entitled for ?

5. Trial :

(i) In order to substantiate his claim, the plaintiff examined himself as PW1 and marked Ex.A1 to Ex.A6. On the other hand, there is no oral and documentary evidence on the side of the 4th defendant.

6. Submissions:

(i) The learned counsel for the plaintiff had submitted that the suit property belongs to the plaintiff and the same was also admitted by the 4th defendant, who is the only contesting defendant in the original suit. But the 4th defendant without the knowledge and consent of the plaintiff, with the influence of the other defendants had passed a resolution on 22.09.2023 to demand the plaintiff 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 plaintiff had come forward with this suit for the relief of declaration and permanent injunction.

(ii) Per contra, the learned Government pleader appearing for the 4th defendant had submitted that there already exist a panchayat road in between the properties of the plaintiff in Survey no. 224 and Survey no. 223/3, which is the suit property herein and this suit is filed by the plaintiff only to grab the said panchayat road. Though the resolution was passed by the 4th defendant to lay a new cart track, since the plaintiff had not shown his acceptance, the 4th defendant had also not proceeded as per the resolution passed by him.

7. Issue no's (i) to (iii) :-

7.1. The sum and substance of the case of the plaintiff is that the suit property belongs to him and the 4th defendant with the influence of the defendants 1 to 3 had passed a resolution dated 22.09.2023 without the knowledge and consent of the plaintiff and demanded him an extent of 0.27 cents of land in the suit property to form a new cart track and thereby, the defendants

are disturbing the possession of the plaintiff in order to lay a new cart track therein.

7.2. Per Contra, it has been contended by the contesting 4th defendant that the suit property in survey no.223/3 and the property in survey no. 224 belongs to the plaintiff and in between the said properties, there already exist a panchayat road to an extent of 6 x 198 meters. This suit is filed by the plaintiff in order to grab the said panchayat road, in which the plaintiff had no right or title.

7.3. Both side rival submissions heard and perused the pleadings and materials on record. It is an admitted fact that the suit property in Survey no. 223/3 belongs to the plaintiff. In the instant case on hand, the plaintiff examined himself as PW1 and deposed the plaint averments. Ex.A1 to Ex.A6 were marked on the side of the plaintiff. Ex.A1 is the sale deed dated 09.06.2005 in respect of the suit property and other properties in the name of the plaintiff's father namely Venkatachalam. Ex.A2 is the settlement deed dated 25.08.2021 executed by the plaintiff's father in favour of the plaintiff in respect of the suit property. Ex.A3 is the computerized patta dated 15.07.2022 in respect of the suit property, which stands in the name of the plaintiff. Ex.A4 is the adangal extract dated 05.10.2023 in respect of the suit property stands in the name of the plaintiff. On perusal of the Ex.A2 to Ex.A4, it shows that the suit property stands in the name of the plaintiff and he was in lawful possession over the same.

7.4. Ex.A5 is the resolution dated 22.09.2023 passed by the 4th defendant, which was also produced by himself by an order of this court. On perusal of the same, it shows that the 4th defendant herein had passed a resolution on 22.09.2023 in order to demand the plaintiff to an extent of 180.8 x 6 meters of land in the suit property to lay a new cart track therein. On further perusal of the same, it shows that the plaintiff had not made any signature admitting the said

resolution. There was also no averments in the said resolution that the plaintiff had also been present on that day, while the resolution was passed. Ex.A6 is the Aadhar card of the plaintiff.

7.5. The contesting 4th defendant had admitted that the suit property belongs to the plaintiff and the alleged Ex.A5 resolution passed by him. But there was no materials on record, even in the pleadings of the written statement filed by the 4th defendant that the said Ex.A5 resolution was passed by him with the consent and knowledge of the plaintiff or that he was called for to be present at the time of passing the said resolution. Further, there was no materials on record to show that any notice was issued to the plaintiff before passing the said resolution seeking his objections if any.

7.6. Though in the written statement filed by the 4th defendant it was averred that the suit itself is filed only to grab the panchayath road that exist in between the suit property in Survey no. 223/3 and Survey no. 224, the 4th defendant had not at all produced any evidence to establish the said contention. Moreover, the plaintiff who was examined as PW1 was also not cross examined in this regard. The plaintiff is seeking the relief of permanent injunction to restrain the 4th defendant from laying any new cart track in the suit property and not in respect of the any existing cart track or pathway or road already therein in the suit property.

7.7. The plaintiff herein was also challenging the Ex.A5 resolution, which was passed by the 4th defendant arbitrarily without hearing the plaintiff and without his knowledge and consent and even without giving any opportunity to the plaintiff to show cause his objection if any to the said resolution. The 4th defendant had also not established anything to the contrary. Such being the position, the said Ex.A5 resolution passed by the 4th defendant cannot be

considered as a valid one. The basic principle of rule of natural justice has been ignored by the 4th defendant. It is well settled that if rules of natural justice are violated, the order become nullity in the eye of law. While being so, the Ex.A5 resolution has to be certainly declared to be null and void.

7.8. The plaintiff, who was examined as PW1 was also cross examined on the side of the 4th defendant. But nothing has been elucidated to disbelieve his testimony or anything contrary to the case of the plaintiff. Even in the cross examination, a pertinent question was putforth to the PW1 with regard to the existence of an itteri (pathway) in the middle of the suit property, but the same was denied by the plaintiff. Thereafter too, the 4th defendant had not produced any such evidence to establish any such pathway is running in the middle of the suit property.

7.9. It is no doubt that the 4th defendant herein is a local body functioning as executive head in the village level. His primary duties includes maintaining basic village infrastructure including roads, drains, culverts, street lights, and community wells. In view of the same, the 4th defendant cannot be totally restrained from forming any new cart track in the suit property or in any other property, if any necessity arose for the benefit of the general publics. The order of permanent injunction sought for by the plaintiff would also prevents the 4th defendant from carrying out his legal duties and it would also creates a direct conflict with the public interest and prevents the enforcement of vital public utilities. However, at the same time, the 4th defendant should also follow the due procedure under law and the principles of natural justice, before passing any resolution affecting the rights of the owner of the property. Hence, this court is inclined to grant the relief of permanent injunction sought for by the plaintiff to an extent as aforesaid.

Therefore, from the overhaul discussion, this court comes to the conclusion that the Ex.A5 resolution dated 22.09.2023 passed by the 4th defendant is null and void and the plaintiff is entitled for the relief of declaration in this regard and the 4th defendant, his officials and men should also be restrained by way of permanent injunction in any way forming a new cart track in the suit property thereby, interfering with the plaintiff's possession and enjoyment of the property without following due process of law. These issues are answered accordingly.

8. Issue no. (iv) :

8.1. The plaintiff herein had also sought for an relief of permanent injunction as against the defendants 1 to 3 and their men from in any way disturbing, obliterating and perverting the usage of the suit property by the plaintiff. As already discussed supra, the suit property stands in the name of the plaintiff and he is in lawful possession over the same. The defendants 1 to 3 are alleged to be the nearby land owners and who influenced the 4th defendant to pass the Ex.A5 resolution arbitrarily and had also alleged to have threatened the plaintiff to trespass into the suit property in order to form a new cart track as per the Ex.A5 resolution passed by the 4th defendant, which is declared as null and void in the foregoing issues.

8.2. Though the defendants 1 to 3 have received the court summons and got knowledge about the pending suit proceedings had failed to contest the same and remained exparte for the best reason known to them. The allegation put forth as against the defendants 1 to 3 in the plaint pleadings was neither rebutted nor disproved by them. They had also not shown any objection towards the said allegation. Such being the position, the plaintiff, who is in lawful possession of the suit property cannot be prevented in using the same and no individuals without any lawful claim can disturb his possession therein. Therefore, the plaintiff is

entitled for the relief of permanent injunction as sought for in the plaint as against the defendants 1 to 3 herein. This issues is answered accordingly.

9. Issue no. (v) :

9.1. Since, the primary relief sought for by the plaintiff is granted as aforesaid in the preceding issues discussed supra, this court comes to the conclusion that the parties are not entitled for any other relief. This issue is answered accordingly.

In the result, this suit is decreed as follows :-

(i) It is hereby declared that the resolution dated 22.09.2023 passed by the 4th defendant is null and void and not binding the plaintiff.

(ii) The 4th defendant, his officials and his men are hereby restrained by way of permanent injunction from in any way forming a new cart track in the suit property and thereby, interfering with the plaintiff's possession and enjoyment therein except under due process of law.

(iii) The defendants 1 to 3 and their men are hereby restrained by way of permanent injunction from in any way disturbing, obliterating and preventing the usage of the suit property by the plaintiff.

(iv) The defendants 1 to 3 shall bear the cost of this suit.

This order is typed by me in my official laptop, corrected and pronounced by me in the open court on this 24th day of June 2026.

**District Munsif,
Mettur.**

Plaintiff side witnesses:

PW1 – Mr. Mohankumar (Plaintiff)

Plaintiff side exhibits :

Ex.A1	09.06.2005	Sale deed in respect of the suit property and other properties in the name of the plaintiff's father namely Venkatachalam	Certified Copy
Ex.A2	25.08.2021	Settlement deed executed by the plaintiff's father in favour of the plaintiff in respect of the suit property	Certified Copy
Ex.A3	15.07.2022	Computerized patta in respect of the suit property stands in the name of the plaintiff	Online Copy
Ex.A4	05.10.2023	Adangal extract of the suit property	True Copy
Ex.A5	22.09.2023	Resolution passed by the 4 th defendant	True Copy
Ex.A6	...	Aadhar Card of the plaintiff	Compared with Original

Defendants side witnesses and exhibits : Nil

**District Munsif,
Mettur.**