

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Tuesday, the 17th day of February, 2026

IA.No.10/2025

in

OS.No.104/2014

Chinnaaiah Servai

...Petitioner

-Vs-

1. Nagappan (died)

2. Meenatchisundaram

3. Gandhimathi (died)

4. Sivakumar

5. Prbakaran

6. Rajendhiran

7. Anbazhagan

8. Selvakumar

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.N.Sekar learned advocate for the Petitioner, R1,R3 was died, Thiru.V.S.Krishnan learned advocate for the R2,R4,R6 to R8, whereas R5 was set ex-parte. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER**The petition is filed under Order XVI Rule 1(2) of CPC****1. The averments in the petition are as follows:**

The petitioner is the plaintiff in the main suit. The petitioner has bought the property by registered sale dated 21/12/1959. Since then the petitioner has been in possession and enjoyment of the same by cultivating it. The petitioner states that the properties of survey number 95/3, survey number 104/1 belongs to the petitioner. The respondent is arguing in the main case that the first respondent has taken the suit property in an auction and that he has gifted the same to the third respondent. He is also stating that there has been a case with respect to the suit property in OS.No.125/1996 and EP.No.381/1966 has also been filed, and after that the property has gone to the possession of the first respondent. The petitioner states that the petitioner has bought the property by registered sale deed and that he has been in possession and enjoyment of the same. He states that the claim of the respondent is not possible. Hence he has filed this petition seeking to examine the VAO of Kappalur Group to examine whether the property exist in the name of the petitioner in the revenue records and whether the same has been changed after the year of 1966. He states that only if it is seen that whether the documents have been changed after the year of 1966, he could prove the case to the court, hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent denies the contention of the petition and states that in order to prove whether revenue records exist in the name of the petitioner, he should seek and provide the necessary revenue documents before the court and for that he cannot summon and examine the Village Administrative Officer to bring the

records with him. He states that only for the documents that cannot be obtained by an individual person, can the Village Administrative Officer be summoned. Other than that for the documents which can be obtained by an individual person, government official need not be summoned and examined. Hence he prays for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

Both side averments perused. The petition has been filed seeking permission to examine the Village Administrative Officer of Kappalur Group to identify whether there has been any entries with respect to the suit property in the revenue records after the year of 1966. On the other hand, the respondent has denied the contention of the petition and stated that a VAO cannot be examined to prove whether revenue documents exist in the name of the petitioner. Both side averments perused. It is true that a Government official cannot be summoned as a matter of procedure regularly before the court without a valid reason. The petitioner has stated the reason as to identify whether the revenue records exist in the name of the petitioner, and also to know whether any changes has been made in the revenue records regarding the property after the year of 1966, since the defendants are claiming over the property stating that they have acquired the property through an auction. The petition cannot be allowed for the purpose stated as to identify whether the revenue document exist in the name of the petitioner but it can be allowed to identify whether any modifications has been made in the revenue records and on what basis such modifications were made. Only the respective authority can state as to on what basis such modifications were made and whether any such modifications are made. Hence in the interest of justice, this petition is allowed. No order as to cost.

4. Decision

In the end, this petition is allowed. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 17th day of February 2026.

**District Munsif,
Devakottai.**

Annexures:

- List of witnesses on the side of the Petitioner-Nil-
- List of documents on the side of the Petitioner-Nil-
- List of witnesses on the side of the Respondents-Nil-
- List of documents on the side of the Respondents-Nil-

**District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.10/2025

in

OS.No.104/2024

Dated: 17.02.2026

Draft/Fair Order
