

IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.

PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,

District Munsif, Aundipatti.

Saturday, this the 2nd day of August 2025

OS. No. 65/2024

CNR. NO:TNTH14-000091-2024

1. P. Ganesan

2. K. Jaya

... Plaintiffs

..Vs..

1. Sowndrapandi

2. Pachchaipandi

3. Annathai

4. Vennila

5. Murugeswari

... Defendants

This Suit came up on 28.07.2025 before this court for final hearing in the presence of Mr. A. Mahendran, Advocate for the Plaintiffs and D1 to D5 called absent set exparte on 08.04.2025. Upon hearing the arguments on both sides and having stood over till this day for my consideration, this court delivers the following...

JUDGMENT

The suit has been filed by the Plaintiff praying for an Injunction restraining the Defendants or his men, agents from disturbing the Plaintiff's peaceful possession in the suit property and for costs.

The suit property is situated in Solaithevanpatti Village, Andipatti taluk, which is within the jurisdiction of this court.

1. Case of the Plaintiff:

(i) The plaintiff submits that the Plaintiff's Father Periyakaruppan was in possession and enjoyment of the suit property by cultivating crops in the said lands. After the demise of the said Periyakaruppan, his wife Azhagammal, and his sons the 1st plaintiff herein, Palanisamy, Murugan, Vanam and Mani acquired the suit property and they were enjoying the same without any hindrance. On 14.11.2005, B-Memo was issued in the name of the 1st Plaintiff, which confirms the possession of the plaintiff in the suit property.

(ii) In the year 2007, the plaintiff, his mother and brothers sold the land situated on the eastern side of the 1st item of suit property to one Palanisamy S/o. Sannal @ Karuppaiah. The Defendant herein purchased the said land from Palanisamy and they constructed a house and in possession of the said property.

(iii) Further, during the lifetime of the mother of Plaintiff, in the year 2010, the plaintiff and his brothers entered into an oral partition with respect to suit property and other properties belonged to them. As such, the suit properties were allotted to the 1st Plaintiff herein. Thereafter, the 2nd Plaintiff purchased a portion of the 2nd Item of suit property from the 1st Plaintiff and he has been in possession of the said portion of land since 06.05.2009.

(iv) The plaintiff further submits that on the western side of the 2nd item of suit property, a 3 Feet passage is left vacant for accessing the 1st item and 2nd Item of properties by the Plaintiffs. The said passage belongs to the plaintiffs herein. The Defendant's house is situated on the western side of the said 3 feet passage. On 25.06.2024, the defendants by placing thorn sticks in the said passage, caused hindrance to the plaintiff's peaceful possession in the suit property. The plaintiff managed to prevent the said activity. However, the defendant had lodged a false complaint against the plaintiffs and a case in Crime No. 216/20124 was registered in Kadamalaigundu Police station. The Plaintiffs also lodged a compliant against the Defendants and the same is also pending. Hence, to restrain the defendants from involving in similar activity in future, the plaintiffs approach this Hon'ble Court.

(v) Upon taking the suit on file, this court ordered summons to the Defendants. Defendants were served, they also entered their appearance through their counsel Mr. K.Annanithi on 17.10.2024. However, they failed to file their written statement despite granting sufficient opportunity and hence the defendants were called absent and set exparte by this court on 08.04.2025. They remained exparte through the proceedings thereafter.

(vi) Now, the point for determination is whether the plaintiffs are entitled to the relief of Permanent injunction against the defendants as prayed for?

To prove the case of the plaintiffs, 1st plaintiff was examined as PW1 and Ex.A1 to A3 marked. One Vanaraja was examined as PW2. No documents were marked through him.

The learned counsel appearing for the Plaintiff reiterated all the averments contained in the plaint and urged this Court to decree the suit as prayed for.

(vii) On perusal of B-Memo(Ex.A1) issued by the Revenue Inspector, Mayiladumparai, it could be seen that the 1st Plaintiff is in possession of 13 cents out of total 38.5 Cents in S. No. 1111/8 in Kadamalaigundu Revenue Village since 2005. Even though he produced documents for his possession of 13 cents in above survey number, he limited his claim to the extent as

mentioned in the suit schedule as he already sold the remaining the remaining to different parties. Ex.A2 Property Tax Receipt in the name of Plaintiff with respect to the suit property is produced. Ex.A3 Electricity Connection card for suit properties are produced.

(viii) Though the suit property is Government Tharisu Land (Govt. Dry Land), the plaintiffs did not sought any relief as against the government. The Relief of injunction is sought only against the private individuals who are in possession of the lands adjacent to the suit property. It is a settled position of law that even an encroacher cannot be evicted without following due process of law. In this case, the Government is the owner of the suit property. However, they did not take any steps as against the Plaintiffs.

(ix) In such circumstances, A Conjoint reading of Ex.A1 to A3 would tend to show that the 1st Plaintiffs is in possession and enjoyment of the suit property. The Defendants have not filed their written statement and as such the version of the plaintiffs remains unrebutted. The uncontroverted evidence of PW1 would tend to show that the defendants have disturbed the peaceful possession of the plaintiff in the suit property. Considering the defendants have chosen not to contest the case by filing written statement, this Court is inclined to accept the version of the plaintiffs.

(x) Thus, for and upon a totality of the reasons aforesaid, this court is satisfied that the plaintiff is entitled to the decree of permanent injunction as prayed for. Considering the nature of the relief as claimed by the Plaintiff, the plaintiff is not entitled to the cost of the suit. This Court is of the considered opinion that the plaintiff is not entitled to any other relief other than the relief of Permanent Injunction.

In the result, the suit is hereby decreed without costs. A permanent Injunction is issued, prohibit the defendants and those acting on their behalf from disturbing the plaintiff's peaceful possession of the suit property.

Dictated to the Steno-Typist and typed by her directly in computer, printed, corrected and pronounced by me on 2nd August 2025.

**District Munsif,
Aundipatti.**

List of Plaintiffs side Witnesses:

1.	PW1	P. Ganesan
2.	PW2	K. Jaya

List of Plaintiffs side Documents:

1.	Ex.A1	14.11.2005	B – Memo	Original
2.	Ex.A2	-	House tax receipt (2 Nos.)	True copy
3.	Ex.A3	-	Electricity connection Card (2 Nos)	Original

List of Defendant side Documents and Witnesses: Nil

**District Munsif,
Aundipatti.**