

**IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.****PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,****District Munsif, Aundipatti.****Thursday, the 02rd day of July 2026****OS. No: 73/ 2022****CNR. NO: TNTH140001322022**

1. Eswaran

... **Plaintiff****-Versus-**

1. The District Collector, Theni.

2 The Tashildar, Aundipatti.

3. The President, Theni District.

4. Veeranan, the former President, Kandamanur.

... **Defendants**

This Suit came up on 13.02.2026 before this court for final hearing in the presence of Mr.T.Sivakumar Advocate for the Plaintiffs and Mr.M.Chinnakannan appeared for D1 to D3 and due to failure to file written statement they were set exparte, and Mr. R.Vasagar appeared for Defendant 4 and due to failure to file written statement they were set exparte, and upon hearing the arguments on Plaintiffs sides and having stood over till this day for my consideration, this court delivers the following...

EX PARTE JUDGMENT

The present suit has been instituted by the plaintiff seeking a declaration that the suit schedule property absolutely belongs to him by virtue of



his long, continuous and uninterrupted possession and enjoyment and, consequently, a permanent injunction restraining the defendants, their men, agents, servants or anybody claiming under them from in any manner interfering with or disturbing the plaintiff's peaceful possession and enjoyment of the suit property, together with costs of the suit.

2. The case of the plaintiff, in brief, is as follows:

1. The case of the plaintiff is that the suit schedule property is situated at Vallal Nathi Village, Kandamanur, Andipatti Taluk, Theni District. The plaintiff further submits that he and his family have been residing in the suit property from the year 1992. Initially, the land was vacant and the plaintiff's family put up a residential house thereon by spending their own funds. Since then, they have been continuously residing in the property openly, peacefully and without interruption.

2. It is the further case of the plaintiff that during the lifetime of his wife, late. Lakshmi, she regularly paid the land revenue (kist), house tax and electricity consumption charges in respect of the suit property. The local Panchayat assessed the residential building to property tax and the Electricity Board also provided electricity service connection in the name of the plaintiff's



wife. According to the plaintiff, these official records clearly establish the continuous possession and enjoyment of his family for more than three decades.

3. The plaintiff would further state that several families had occupied Government poramboke lands in the said village for residential purposes, which are adjacent to the suit property. Taking note of such long-standing occupation, the Kandamanur Town Panchayat passed Resolution No.43 dated 08.06.2007 recommending issuance of free house site pattas to eligible occupants in the said lands. Pursuant thereto, the plaintiff's wife Lakshmi submitted an application before the Revenue Authorities seeking grant of patta. After her demise, the plaintiff and his children continued to pursue the said request before the concerned authorities.

4. The plaintiff further contends that though the revenue records classify the property as "Road Poramboke", the actual physical possession has always remained with his family from the year 1992. According to him, neither the Government nor the local body had ever taken possession of the property or objected to his occupation for several decades. The plaintiff therefore claims that he has perfected his title over the suit property by adverse possession against the Government and the local authorities.

5. The plaintiff would further state that on 26.05.2022, the 4th defendant, who is the former President of the Kandamanur Town Panchayat and



who has absolutely no manner of right, title or interest over the suit property, attempted to interfere with the plaintiff's peaceful possession by trying to dispossess him. The plaintiff, with the help of neighboring residents, resisted such unlawful interference. According to the plaintiff, the defendants, taking advantage of their political influence and official position, have been threatening to evict him without following the procedure established by law. Hence, the plaintiff filed this suit for declaration and for Consequential Injunction.

6. Despite due service of summons, the defendants failed to appear before this Court. Consequently, the defendants were called absent and set ex parte.

7. Now, the point for consideration is as to whether the plaintiff is entitled for the reliefs as prayed for ?

8. To substantiate the plaintiff's case, the plaintiff Eswaran was examined as P.W.1 and Ex.A1 to Ex.A9 were marked on the side of the plaintiffs and not cross examined by the Defendants counsel. Thereafter, Plaintiff side evidence closed. On the side of defendants, No oral and documentary evidence.

9. Heard the Learned Counsel appearing for the plaintiff and perused the materials available on record. Learned counsel claims that the plaintiff and



his family have been in possession of the suit property from the year 1992. According to him, they constructed a house in the suit property and have been residing there continuously. He has further contended that the plaintiffs wife, late Lakshmi, paid land tax, house tax and electricity charges for several years. On that basis, the plaintiff claims that he has perfected his title over the suit property by adverse possession. The same facts has been reiterated by PW1 in his proof affiavit.

10. The suit has been proceeded with ex parte and the evidence of P.W.1 has remained unchallenged due to the ex parte status of the defendants. However, merely because the defendants remained absent, the plaintiff is not automatically entitled to a decree. More particularly, the plaintiff seeks a declaration of title by claiming that he has perfected title by adverse possession over Government poramboke land. Such a claim cannot be granted merely on account of the absence of the defendants. The burden squarely lies upon the plaintiff to establish, by cogent oral and documentary evidence, that his possession has been open, continuous, uninterrupted, exclusive and hostile to the true owner for the statutory period. Therefore, the plaintiff's evidence has to be carefully scrutinized to ascertain whether the essential ingredients of adverse possession have been satisfactorily proved.



11. On perusal of plaintiff side exhibits, he has produced Ex.A3 to Ex.A5, namely land tax receipts, house tax receipts and electricity receipts. These documents show that taxes have been paid and electricity service connection had been obtained and further reveals that the house tax assessment and electricity service connection stood in the name of the plaintiff's wife, Lakshmi. However, these documents only show possession and enjoyment of the property. They do not by themselves confer title upon the plaintiff or his wife Lakshmi.

12. Further, a careful reading of Ex.A1, it is seen that the plaintiff's wife Lakshmi died on 06.12.2013. Ex.A2, the Legal Heir Certificate, shows that apart from the plaintiff, Lakshmi left behind two children, namely Vanaraj and Murugeswari, as her legal heirs. They were not added as parties to the suit. In this regard, the Learned counsel submitted that the plaintiff and their children are living jointly and they would have no objection to grant a decree in favour of the plaintiff. But, neither of the children were examined by the Plaintiff and no reason has been assigned for the same.

13. More importantly, Ex.A6, which has been relied upon by the plaintiff himself, shows that after the death of Lakshmi, not only the plaintiff but also Vanaraj and Murugeswari have applied before the Revenue Authorities for issuance of patta with respect to the suit property. The said document further



reveals that the Tahsildar, Andipatti, has initiated a proposal for conversion of the classification of the suit property from "Road Poramboke" to "Natham Poramboke" and that the proposal is still pending before the competent authority. Therefore, it is clear from the plaintiff's own documents that the process for regularization of occupation and issuance of patta has not yet reached its final stage. The competent Revenue Authorities are yet to take a decision regarding conversion of the land classification and grant of patta.

14. Further, in the present case, the plaintiff has sought a declaration that the suit property belongs exclusively to him. However, when the other legal heirs of Lakshmi have also claimed rights over the property by applying for patta, they become necessary parties to the present suit. In their absence, no effective declaration can be granted. Any decree passed in favour of the plaintiff alone is likely to affect their rights. **Hence, this Court is of opinion that the suit suffers from non-joinder of necessary parties.**

15. The plaintiff has also claimed title by adverse possession. It is settled law that a person claiming title by adverse possession must establish that his possession was open, continuous, exclusive and hostile to the true owner for the statutory period. Mere long possession or payment of taxes will not, by itself, amount to adverse possession. In the present case, the plaintiff himself has relied upon the proceedings before the Revenue Authorities seeking grant of



patta and conversion of the land from Road Poramboke to Natham Poramboke. Such conduct indicates that the plaintiff is seeking recognition of his occupation from the Government. When the very basis of the plaintiff's case is that the authorities are considering his request for assignment or patta, this Court cannot simultaneously hold that he has already perfected title by adverse possession over the Government land.

16. Thus, the materials produced by the plaintiff are insufficient to declare that he has acquired title over the suit property by adverse possession. The evidence only shows that he has been in possession of the property for a considerable period and that the matter regarding grant of patta is pending before the Revenue Authorities. **For all the above reasons, this Court is of the view that the plaintiff has failed to establish his entitlement to the relief of declaration.**

17. However, on a careful appreciation of the oral and documentary evidence, this Court is satisfied that the plaintiff has established his long and continuous possession over the suit property. Ex.A3 to Ex.A5, namely the land tax receipts, house tax receipts and electricity service records, coupled with the oral testimony of P.W.1, sufficiently prove that the plaintiff and his family have been in possession and enjoyment of the suit property for several years. There is no evidence on record to disbelieve the plaintiff's possession.



18. The plaintiff has also specifically pleaded that on 26.05.2022, the 4th defendant attempted to interfere with and disturb his peaceful possession of the suit property. Though summons were duly served, the defendants neither filed a written statement nor entered the witness box to deny the said allegation. Consequently, the specific allegation regarding interference by the 4th defendant remains unrebutted and unchallenged. In the absence of any contra evidence, this Court finds that the plaintiff has established the unlawful interference caused by the 4th defendant.

19. At the same time, the position of Defendants 1 to 3 stands on a different footing. Defendants 1 and 2 are Revenue Authorities and the 3rd defendant is the local body concerned. The plaintiff himself admits that the suit property is classified as Government "Road Poramboke" and that a proposal for its conversion into "Natham Poramboke" is still pending before the competent Revenue Authorities. Therefore, the plaintiff cannot seek an injunction restraining the statutory authorities from exercising the powers vested in them under law for the protection of Government land or for taking action against unauthorised encroachments, if warranted. A civil court cannot grant an injunction preventing the competent authorities from discharging their statutory duties in accordance with law.



20. **Accordingly, while the plaintiff is entitled to protection against unlawful interference by the 4th defendant, who has not established any legal right or authority over the suit property, he is not entitled to a decree of permanent injunction against Defendants 1 to 3.**

21. However, it is made clear that the dismissal of this suit is only on the above grounds. This judgment shall not prevent the competent Revenue Authorities from considering the pending proposal for conversion of the suit property from Road Poramboke to Natham Poramboke and from issuing patta, if the plaintiff and the other legal heirs of late Lakshmi are otherwise found eligible under the relevant Government Orders and the applicable Revenue Rules. The authorities shall consider the same independently and in accordance with law, without being influenced by the dismissal of this civil suit.

In the result, the suit is partly decreed as follows:

1. Granting permanent injunction restraining the 4th Defendant and their men from disturbing the plaintiff's peaceful possession in the suit property.

2. All other relief claimed by the Plaintiff is hereby dismissed.

3. This judgment shall not prevent the competent Revenue Authorities from considering the pending proposal for conversion of the suit property from Road Poramboke to Natham Poramboke and from issuing patta, if the plaintiff and the other legal heirs of late Lakshmi are otherwise found eligible under the



relevant Government Orders and the applicable Revenue Rules. The authorities shall consider the same independently and in accordance with law, without being influenced by the dismissal of this civil suit.

Dictated to the Steno-Typist and typed by her directly in computer, printed, corrected and pronounced by me on 2nd Day of July 2026.

**District Munsif,
Aundipatti.**

List of Witness examined on the side of Plaintiffs :-

P.W.1 - Eswaran

List of Exhibit marked on the side of the Plaintiff :-

Ex.A1	30.01.2014	Death Certificate - Original
Ex.A2	28.04.2014	Legal Heir Certificate- Original
Ex.A3	1996–2014	Land Tax Receipts (12 numbers) - Original
Ex.A4	2014–2022	House Tax Receipts (16 numbers) - Original
Ex.A5	-	Electricity Bill Receipts (3 numbers) -Original
Ex.A6	19.08.2024	Letter from Tahsildar- Original
Ex.A7	10.11.2025	Patta (4)- Online Copy
Ex.A8	-	G.O.(MS) No.854 dated 30.12.2006, G.O.(MS) No.498 dated 05.09.2000, and G.O.(MS) No.711 dated 30.11.2007 -Copies
Ex.A9	-	FMB sketch - Original



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Defendants side witness and documents :- -NIL-

**District Munsif,
Aundipatti.**

**District Munsif Court,
Aundipatti.
OS. No: 73/2022
Judgment
Fair/Draft
Date:02.07.2026**