

IN THE COURT OF THE DISTRICT MUNSIF, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif, Palladam.**

Wednesday the 09th day of April 2025

I.A. No.348/2019

in

O.S.No.84/2019

Kandhasamy

... Petitioner/Plaintiff

/Vs/

1.P.R.Manickam

2.P.R.Muthiaya

3.R.M.Kalyanasundaram

4.R.M.Ramanathan

5.P.R.Rajendran

6.P.L.Kalyani

7.T.Thangaraj

... Respondents/Defendants

This Petition is coming on 06.02.2025 for final hearing before me in the presence of Thiru.P.Sakthivel, Advocate for the Petitioner and Thiru.V.Raveendran, Advocate for the R1, R2 and R5 and Thiru.P.P.Suresh Kumar, Advocate for R3 and R6 and Thiru.K.Gopalakrishnan, Advocate for R7 and R4 called absent and set exparte. Upon perusing the Petition, affidavit, counter statement and other connected material papers of record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

The petitioner filed this petition Under Order 39 Rule 1, 2 and Under Section 151 of CPC to pass an order of temporary injunction restraining the respondents, her men, agents and claiming rights on their behalf from in any way interfering with

petitioner peaceful possession and enjoyment of the petition mentioned property till the disposal of the suit.

1) Brief awarement of this petition:

1.1) The petitioner's father namely Rangasamy Gounder was a cultivating tenant under one Karuppan Chettiar since 1955 with respect to petition mentioned properties. Petitioner's father took the land for lease and cultivating the petition property by contributing his own physical labour. The petition mentioned property which is dry manavary land and the same could be yield only cholam, cereals. After implementation of TamilNadu Agriculture Record of Tenancy Right Act 1969, petitioner's father name was recorded as cultivating tenant in the approval record of tenancy right on 02.05.1972 by the Special Tahsildar, Pollachi and his name was published in the District Gazette Coimbatore. Petitioner's father had paid periodical annual rent to the land lord. Petitioner's father had filed a petition before Special Deputy Collector Revenue Court, Salem in R.A No.1481/1990 against the legal heirs of original landlord under the TamilNadu Cultivating Tenants Arrears of Rent Relief Act 1990 in order to avail reduction of annual rent. The said petition was allowed on 28.01.1993.

1.2.) Petitioner's father Rangasamy Gounder died on 15.02.1999 leaving behind the Petitioner and two daughters namely Valliammal and Saraswathi. After death of his father, the petitioner has exclusively doing cultivation in the petition properties by contributing his own physical labour. The said two sisters are not claiming any tenancy rights, since they are living elsewhere. The Respondents 1, 2, 5 and 6 are the direct legal heirs of landlord, the Respondents 3 and 4 are the grandsons of landlord. After the demise of petitioner's father, the petitioner have used to pay the annual rent for the petition property to the office of respondents' father located in Patel Road, Palladam, but they have stopped to issue receipt for the remittance of annual rent amount. The respondents 1 to 6 who are all the legal heirs of original landlord had not made any rivalry for holding petitioner cultivating tenant in petition

property. Hence, Petitioner have not canvassed much to issue the receipts for payment of rent. The Petitioner is regularly paying land tax to the Government with respect to petition properties. The petitioner filed petition before the Record Officer ie., Tahsildar, Palladam to include his name in lieu of his father Rangasamy Gounder as cultivating tenant under the provision in approval Record of Tenancy Right Act. The same has been taken on file in T.R.No.1 of 2019 and the same is pending.

1.3.) The petitioner have raised cholam in last cropping season in petition property and recently the petitioner have plough the land and waiting for monsoon rain to show the manavary crops. In the above circumstances without any alarming the respondents 1 to 6 hands on gloves with respondent No.7 has made some pretended documents with an intention to evict the petitioner from the petition property illegally. The alleged documents all are not binding on petitioner and his tenancy right. On 10-08-2019 the 7th respondent along with men and menials came to the petition property and threatened the petitioner that he going to evict from petition property under the strength of alleged agreement created by the respondents within short period. The petitioner approached the Kamaikeni police station to set protection but they advised to approach the civil court for proper remedies and hence the petitioner filed suit against the respondents 1 to 7. Hence, this petition.

2) Brief averments of the written statement filed by the respondents No.1, 2 and 5 is treated as counter to this petition:

2.1.) On 24-06-1959 the said Periya Karuppan Chettiyar and his family members were entered into the Partition Deed. As per the said Partition Deed Periya Karuppan Chettiyar son Ramanathan entitled to 1/4th share in the petition property and from the date of above said Partition he was in possession and enjoyment with the the co-shares. The remaining 3/4 th share in the petition property has been allotted to the remaining legal heirs of the Periya Karuppan Chettiyar. In the meanwhile on 30-04-1970 Periya Karuppan Chettiyar along with his family members were entered into family Partition under the Partition Deed in Document

No.471/1970 before SRO, Thirumayam. As per the said Partition deed "F" schedule has been allotted to Kalyani who is a daughter of Periya Karuppan Chettiyar. As per the above said Partition Deed the said 3/4th of the petition property has been allotted to the above said Kalyani. From the date of the Partition the said Kalyani along with Ramanathan were in possession and enjoyment of the same. Without out entitled of petition property of Periya Karuppan Chettiyar, the petitioner has registered as cultivating tenant of Periya Karuppan Chettiyar is void and not maintainable. The petitioner was never been in possession and never done any agricultural or any agricultural oriented work in the field in his lifetime and he loses as a tenant right. The order passed by the Special Deputy Collector Revenue Court, Salem in R.A No.1481/1990 against the legal heirs of original landlord is void and not maintainable. This respondents doesn't received any notice of the same.

2.2) The petitioner was residing at Singanallur, Coimbatore District with his family and he has worked as a Head master of S.N.V.N.A Government Boy's Higher Secondary School. The petitioner wife was also Government Teacher. The petitioner got retired on 31-05-2004 and his wife also retired from the service. Till now the petitioner and his wife receiving the Pension from the Government. Now the petitioner is residing at Sulur and running Indian Oil Corporation Petrol Bunk at Karadivavi Village and also constructed a Marriage hall in the back side of the Petrol Bunk under the name and style of Rangasamy Gounder Thirumana Mandapam. This petitioner's having one son and one daughter and they are living at abroad. Now this petitioner is more than 78 year old if so how the petitioner had took land as a tenant and done agricultural or agricultural oriented work with physical involvement. Since the petitioner was a government servant the petitioner never been in a possession of the petition property as a cultivating tenant.

2.3.) The said Ramanathan was died intestate on 12-02-2006 leaving behind the RM.Kalyanasundharam and R.M.Ramanathan. The said RM.Kalyanasundharam and Ramanathan were appointed the Power agent one P.R.Rajendran who is son of

the Periya Karuppan Chettiyar regard to the 1/4th of the petition property. Subsequently the above said Kalyani executed a settlement deed in favour of P.R.Manickam and P.R.Rajendran under vide Document No. 6907/2019 before SRO, Palladam regard to her share i.e., 3/4th of the petition property. The said R.M.Kalyanasundaram and R.M.Ramanathan were sold the petition property through Power agent P.R.Rajendran in favour of P.R.Manickam and P.R.Muthaiya under vide Sale Deed Document No.9433/2019 before SRO, Palladam.

2.4) The above said P.R.Manickam, P.R.Rajendran, P.R.Muthaiya and Thangaraj were entered into Sale agreement dated on 16-07-2019 under vide document No.9432/2019 before SRO, Palladam to Thangaraj regard to the petition property. Further, the said P.R.Manickam, P.R.Rajendran and P.R.Muthaiya were sold the properties belonged to them as stated for the valid sale consideration under vide Sale Deed bearing document No.15650/2020 dated 17-12-2020 before SRO, Palladam to the one Thangaraj. From the date of the purchase the above Thangaraj is in actual, physical possession and enjoyment of the same. After the purchase of the property all the revenue records are mutated in favour of Thangaraj and he is paying the kist for the petition property. The application filed by the petitioner before the Tahsildar to modify the Tenancy Register was dismissed on 15.12.2022 and now the petitioner is disturbing the possession of said Thangaraj. It is false and incorrect that on 10.08.2019 the 7th respondent and other men are threatened the petitioner. It is a self made story by the petitioner to file the above suit. Hence, prayed to dismiss this petition.

3) Brief averments of the written statement filed by the respondents 3 and 6 is treated as counter to this petition:

3.1.) The petitioner and his father do not know who are real owners of petition property. From 13.04.1970 this 6th respondent is law full 3/4th owner, title holder and is in effecting physical possession and enjoyment of the petition property, until the 6th respondent executed registered settlement deed in favour his brothers of Manicam,

Rajendran, Muthaiya on 30-05-2019 and from the date of settlement they were in actual physical possession and enjoyment of petition property. The revenue records was stands in the name of the 6th respondent's father and 6th respondent and after settlement changed into name of the Manickam and others. The said Manickam, Rajendran, Muthaiya were executed register sale deeds dated 17-12-2020 and handed over the possession and enjoyment of suit properties to 7th respondent Thangaraj. From the date of sale 7th respondent is absolute title holder and is in actual physical possession and enjoyment of petition property. The petitioner is utter stranger to the petition property and the petitioner is no way connected with the petition property. The petitioner and his father are never been in possession and enjoyment of the petition property at any point of time. The records created by the petitioner's father without notice to the 6th respondent has no legal effect and the same are null and void and fabricated one. The said revenue proceedings without notice to the original owner is void and 6th respondent never allowed the petitioner's father as a tenant in petition property. It is quiet and unbelievable that a tenant without knowing the real land lord was whom to the petition property and this itself proved that the petitioner's father and the petitioner never been a tenant in the petition property.

3.2.) The petitioner has no prima facie case and the balance of convenience. Adangal extract created only for 1972 to 1984 created by the petitioner and his father without knowledge of this 6th respondent by unlawful manner. Those wrong entries was canceled and changed into the name of this 6th respondent even in the year 1985 and after then the revenue records only stands in the name of this respondents since the respondents are in possession and enjoyment of the petition property. Remaining 1/4th share of the petition property allotted to Ramanathan son of Periya Karuppan Chettiyar as per the registered partition deed dated 24-06-1959 and after then the legal heirs of Ramanathan sold their 1/4 share in the petition property to Muthaiya and Manickam under the registered sale deed dated 16-07-2019. The petitioner was working as a teachers up to 2004 and he never been in possession and enjoyment with

physical contribution of the petition property at any point of time. Even after the ex-parte injunction, the petitioner was not able to take possession of the petition property since the same got by misrepresentation. The petitioner never been in possession and enjoyment of the petition property as tenant at any point of time since he was government servant. The petitioner is utter stranger to the petition property and his father also no way connected with the petition property. The revenue records from the year 1985 very clear that these respondents are alone in possession and enjoyment of the petition property. Petitioner suppressed the entire true facts and filed the above suit and this petition. Hence, prayed to dismiss this petition.

4) Brief averments of the written statement filed by the 7th respondent is treated as counter to this petition:

4.1.) The petition property belonged to Periya Karuppan Chettiyar under vide document No.388/1935 before SRO, Palladam, from the date of purchase the said Periya Karuppan Chettiyar was in possession and enjoyment of the same. Subsequently on 24-06-1959 the said Periya Karuppan Chettiyar and his family members were entered into partition under vide Partition Deed in Document No.600/1959 before SRO Thirumangalam. As per Partition Deed Periya Karuppan Chettiyar son Ramanathan entitled to 1/4th share in the petition property and from the date of above said Partition he was in possession and enjoyment with the co-shares. On 30-04-1970 Periya Karuppan Chettiyar along with his family members were entered into family Partition under vide Partition Deed Document in No.471/1970 before SRO, Thirumayam. As per the said Partition deed Deed 3/4th of the petition property has been allotted to the above said Kalyani who is a daughter of Periya Karuppan Chettiyar. From the date of the Partition the said Kalyani along with Ramanathan were in possession and enjoyment of the same.

4.2.) The above said Ramanathan's son M.Kalyanasundharam and Ramanathan were appointed the Power agent one P.R.Rajendran for the Ramanathan's 1/4th share of the petition property. subsequently the above said

Kalyani executed a settlement deed in favour of P.R.Manickam and P.R.Rajendran with regard to her 3/4th share in the petition property. The said R.M.Kalyanasundaram and R.M.Ramanathan were sold the petition property through Power agent P.R.Rajendran in favour of P.R.Manickam and P.R.Muthaiya. The above said P.R.Manickam, P.R.Rajendran, P.R.Muthaiya and 7th respondent were entered into Sale agreement dated on 16-07-2019 with regard to the petition property. The 7th respondent has purchased an extent of Pu.Ac.5.42 2/3 in S.F.No.79A/1, S.F.No.79A/2A, S.F.No.79A/2B, S.F.No.79A/2C, S.F.No.79A/3, S.F.No.79/11 at Karadivavi Village from the P.R.Manickam, P.R.Rajendran and P.R.Muthaiya for the proper valid sale consideration under vide Sale Deed bearing document No.15650/2020 dated 17-12-2020 before SRO, Palladam. From the date of the purchase he is in physical possession and enjoyment of the same. After the purchase of the property all the revenue records are mutated in his favour. In the meanwhile suppressing the all the above said facts the petitioner had filed the application before the Tahsildar to modify the Tenancy Register in Na.Ka. No.506/2022/A2 before Tahsildar, Palladam Taluk Officer, Palladam. After the elaborate enquiry by the tenancy record officer, the above said application was dismissed by the Tahsildar and Tenancy Registering officer of Palladam. Hence the petitioner is not a cultivating tenant as alleged in the petition. As per the cultivating protection Act and Rules, the cultivating tenant means "A person or his family members physically cultivating the land". Here the petitioner or the petitioner's family never cultivated the land physically. Hence there is no prima facie case for the petitioner and the balance of convenience also in the favour of the petitioner. Hence, prayed to dismiss this petition.

5. Points for consideration:

Whether this petition will be allowed or not ?

6. Heard both sides. Exhibits P1 to P32 were marked on the side of petitioner. Exhibits R1 to R6 were marked on the side of the 7th respondent and exhibits R7 to R27 were marked on the side of the respondents 3 and 6. No oral evidence is let in by both sides. Though the respondents have filed their written statement separately, but, they stated the same set of facts.

7. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.84/2019 has been filed by the Petitioner/Plaintiff for Permanent Injunction. This petition has been filed by the petitioner herein Under Order XXXIX Rule 1& 2 and Section 151 of CPC to pass an order of temporary injunction restraining the respondents, her men, agents and claiming rights on their behalf from in any way interfering with Petitioner's peaceful possession and enjoyment of the petition mentioned property till the disposal of the suit.

8. The Learned counsel for the petitioner submitted that the petitioner's father Rangasamy Gounder was a cultivating tenant under one Karuppan Chettiar since 1955 with respect to the petition mentioned properties. Petitioner's father took the land for lease and cultivating the petition property by contributing his own physical labour. After implementation of TamilNadu Agriculture Record of Tenancy Right Act his name was recorded as cultivating tenant in the approval record of tenancy right on 02.05.1972. After death of Petitioner's father Rangasamy Gounder, the petitioner has exclusively doing cultivation in the petition properties by contributing his own physical labour. The respondents 1 to 6 who are all the legal heirs of original landlord. After the demise of petitioner's father, the petitioner have used to pay the annual rent for the petition property, but they have not issued receipt for the remittance of annual rental amount. The application filed before the Record Officer i.e.,Tahsildar, Palladam to include the petitioner's name as cultivating tenant under

Record of Tenancy Rights Act, but, the same was dismissed on 15.12.2022 in T.R.No.1 of 2019. Aggrieved by the same the petitioner has preferred appeal before the Special Deputy Collector, Revenue Court, Tiruchirappalli in Appeal No. 2/2023 and the same was also dismissed on 08.08.2023. Aggrieved by the said orders dated 15.12.2022 and 08.08.2023 the petitioner has preferred revision before the competent authority and the same is pending. The respondents 1 to 6 in order to defeat the petitioner's tenancy rights and with an intention to evict the petitioner from the petitioner's property, they created some pretended documents and the same are not binding the petitioner and his tenancy right. Meanwhile on 10-08-2019 the 7th respondent along with men and menials came to the petition property and threatened the petitioner that he going to evict the petitioner from the petition mentioned property. In order to protect the petitioner's right ordering injunction is necessary and prayed to allow this petition.

The learned counsel for the petitioner in support of his submissions he relied the following decisions of High court of Judicature at Madras

i) R.Venkatachalam and 2 Others Vs. S.R.Lakshmanan (Deceased) and 3 others, in S.A.No.1503/2008 and M.P.No.1/2008

ii) (2006) Ramayee Vs. Sakthivel and Others, in S.A.No.335/1996

iii) P.Karapuranaswamy Vs. C.Shanmuga Sundaram and 5 others, S.A.No.41/2011 and M.P.No.1/2011

iv) Thangavelu Vs. Mangayarkarasi in (2004) 2 MLJ 369

9. The Learned counsels for the respondents submitted that the petitioner and his father are not known who are real owners of petition property. Periya Karuppan Chettiyar and his family members were entered into a Partition Deed dated 24-06-1959. In the said Partition Deed son of Periya Karuppan Chettiyar namely Ramanathan allotted 1/4th share in the petition property and the remaining 3/4 th share has been allotted to the remaining legal heirs. On 30-04-1970 Periya Karuppan

Chettiyar along with his family members were entered into a another Partition Deed and in the said Partition deed the remaining 3/4th share of the petition property has been allotted to the Periya Karuppan Chettiyar's daughter Kalyani as "F" schedule. As per the said Partitions the said Kalyani and Ramanathan were in possession and enjoyment of the petition property. The said Periya Karuppan Chettiyar had no right in the petition property in the year 1972. Without knowing ths said fact the petitioner has registered him as cultivating tenant of Periya Karuppan Chettiyar and the same is void and not binding the real owners namely said Kalyani and Ramanathan. The petitioner was residing at Singanallur, Coimbatore District with his family and he has worked as a Head master in S.N.V.N.A Government Boy's Higher Secondary School and he got retired only on 31-05-2004. The petitioner's father was died on 15.02.1999. The petitioner was never been in possession and never done any agricultural or any agricultural oriented work, since, he was a government servant. It is impossible that the a Government servant while be in service was a cultivating tenant by contributing his own physical labour. Respondents 1, 2 and 5 were sold the properties under the Sale Deed dated 17-12-2020 to the 7th respondent Thangaraj. The application filed by the petitioner before the Tahsildar to record himself as cultivating tenant by modifying the Tenancy Register was dismissed on 15.12.2022. Further, the appeal preferred by the petitioner before the Special Deputy Collector, Tiruchirappalli in Appeal No.2/2023 was also dismissed on 08.08.2023. The competent authorities under the Record of Tenancy Rights Act were refused the contention of the petitioner is in possession of the petition property as cultivating tenant. From the date of purchase, the 7th respondent is in actual, physical possession and enjoyment of the petition property. There is no prima facie in favour of the petitioner. Hence, prayed to dismiss this petition.

The learned counsel for the 3rd and 6th Petitioner/ 3rd and 6th Defendants in support of his submissions he relied the following decisions of High court of Judicature at Madras

- i) Arumugam and Another Vs. Sri Dharmapuram Mutt at Dharmapuram in 1996 (1) CTC 90 ,
- ii) Jayarama Naidu Vs. Meenakshi Ammal and another in 1999 (1) CTC 566 ,
- iii) K.M.Balasundaram and Another Vs. Narayanasamy (died) and Another in (2001) 1 MLJ 162 ,
- iv) Subbiah Pillai (Died) and 8 Others Vs. M.A.Thirunavukkarasu Pillai (Died) and 14 Others in 2003-3-L.W.745 ,
- v) Balu Pillai @ Balasubramania Pillai and Others Vs. Mahadevan and Others in (2010) 3 MLJ 198 ,
- vi) S.R.Kaliappan Vs. District Revenue Officer, Coimbatore and Others in (2013) 4 MLJ 502.

10. On considering the both side submission and on perusing the entire case records it is admitted fact that the petition mentioned properties are originally belonged to one Periya Karuppan Chettiyar. It is admitted by the learned counsel for the petitioner at the time of enquiry that the application filed by the petitioner to include the petitioner's name as cultivating tenant before the Record Officer/Tahsildar, Palladam in T.R.No.1 of 2019 was dismissed on 15.12.2022 and the appeal preferred by the petitioner before the Special Deputy Collector, Revenue Court, Tiruchirappalli in Appeal No. 2/2023 was dismissed on 08.08.2023. The petitioner also marked the said orders as exhibits for his side.

11. The main contention of the petitioner is that his father was the cultivating tenant under the Periya Karuppan Chettiyar and after his father's death he continuing as cultivating tenant, the respondents 1 to 6 who are the legal heirs of the said Periya Karuppan Chettiyar, were in order to evict him from the petition property, they created several pretended documents joined with the 7th respondent. The petitioner filed several documents to show that he is in possession of the petition property. On perusal of the Ex-P11 adangal extract it is seen that only for the Fasali year 1379 to

1394, the petitioner's father's name was mentioned thereafter the name P.R.Ramanathan who is the father of the 3rd and 4th respondents alone is mentioned. Further on the side of the respondents 3 and 6 the adangal extract for the Fasali year 1397 to 1424 and 1428 has marked as Ex.R24. On perusal of the said Ex.R24 adangal extract the said P.R.Ramanathan's name alone is mentioned for the Fasali year 1397 to 1424. In the said Ex-P11 and Ex.R24 adangal extracts, the petitioner's name nowhere mentioned. If the petitioner is in possession of the property, he could have produced the adangal extracts stands in his name to show his alleged cultivation of manavary crops.

12. The petitioner has not stated any thing about the Partition deeds dated 24.06.1959 and 30.04.1970 which stated by the respondents. The said partition deeds have been marked as Ex.R10 and Ex. R11 on the side of the respondents 3 and 6. On perusal of the Ex.R10 and Ex. R11 partition deeds it is found that as stated by the respondents that in the Ex.R10 Partition Deed son of Periya Karuppan Chettiyar namely Ramanathan allotted 1/4th share in the petition property and the remaining 3/4th share has been allotted to the remaining family members and in the Ex.R10 Partition Deed the remaining 3/4th share of the petition property has been allotted to the Periya Karuppan Chettiyar's daughter namely Kalyani as "F" schedule who is 6th respondent herein. But, the fact remains that the petitioner has stated in the plaint and this petition that the said Periya Karuppan Chettiyar was the owner and landlord for the property and the respondents 1 to 6 are the legal heirs. As per the said Ex.R10 and Ex. R11 partition deeds, the said Periya Karuppan Chettiyar was not the owner of the petition mentioned properties when the Record officer/Tahsildar, Palladam recorded the name of the petitioner's father Rangasamy as cultivating tenant of the Periya Karuppan Chettiyar.

13. The petitioner has not denied the contention of the respondents that he was the Government servant and worked as Head Master in the School at Coimbatore. It is the settled law that the civil court has no jurisdiction to decide that a person is

cultivating tenant or not. The competent authority alone has the jurisdiction to decide the same. But, in the present case the Record Officer/Tahsildar, Palladam who is the competent authority, was held that the petitioner herein is not a cultivating tenant in the petition mentioned property and he dismissed the application given by the petitioner by his order dated 15.12.2022 in T.R.No.1 of 2019. Against which the appeal preferred by the petitioner before the Special Deputy Collector, Revenue Court, Tiruchirappalli in Appeal No. 2/2023 was also dismissed on 08.08.2023. The said order of Record Officer/Tahsildar, Palladam dated 15.12.2022 and order of Special Deputy Collector, Revenue Court, Tiruchirappalli dated 08.08.2023, were marked as Ex.R2 and Ex.R4 on the side of 7th respondent. On perusal of the said Ex.R2 and Ex.R4 orders of the competent authorities they given concurrent findings that the petitioner herein was not a cultivating tenant since, he worked as Government Servant and he not entitled the protection under the Act for the reason the petitioner is in good economical status. Though the petitioner's counsel argued that the petitioner has preferred revision before the competent revision authority against the said orders dated 15.12.2022 and 08.08.2023 and the same is pending. The respondents submitted that no revision was file by the petitioner. The petitioner has marked Ex.P27 the letter of the District Revenue Officer which addressed to the Special Deputy Collector, Revenue Court, Tiruchirappalli to call for the records in Appeal No. 2/2023. In the said Ex.P27 letter not even mentioned the revision number. It is not the contention of the petitioner that the revision authority has granted stay against the Ex.R2 and Ex.R4 orders dated 15.12.2022 and 08.08.2023.

14. The learned Counsel for the respondents 3 and 6 referred a Judgment of the Hon'ble High Court of Madras in K.M.Balasundaram and another Vs. Naryanasamy (died) and another, reported in (2001) 1 M.L.J 162. In the said case the Hon'ble High Court of Madras held that in a suit for permanent injunction a civil court can not declare that a person is a cultivating tenant. The learned Counsel for the petitioner has referred a Judgment of the Hon'ble High Court of Madras in

P.Karuppanahaswamy Vs. C.Shanmuga Sundaram and others, reported in S.A. 41/2011 dated 25.03.2015 where in it is permissible that the civil court to incidentally can go into the question whether the plaintiff is cultivating tenant. In the said K.M.Balasundaram and another Vs. Naryanasamy (died) and another case itself the Hon'ble High Court of Madras while granting injunction, the civil court can go in to the question whether a person is cultivating tenant.

15. As per the order passed by the competent authorities vide Ex.R2 and Ex.R4 orders dated 15.12.2022 and 08.08.2023. Subsequent to the enquiry in this petition, the petitioner not filed any memo by stating that the revision authority has granted stay against the orders dated 15.12.2022 and 08.08.2023. Since, no stay has been granted against the orders dated 15.12.2022 and 08.08.2023, the order passed by the Record officer/ Tahsildar, Palladam is in force. Therefore, the petitioner is not a cultivating tenant as per the order passed by the competent authority under the Act i.e. Record officer/ Tahsildar, Palladam and which confirmed by the appellate authority Special Deputy Collector, Revenue Court, Tiruchirappalli in Appeal No. 2/2023. Therefore, there is no need for this court to go in to the question whether the petitioner is cultivating tenant or not.

16. Though, the petitioner marked several documents before this court, in the none of the documents are help the petitioner that the petitioner is in possession of the petition mentioned properties. Without subjected the photographs for cross examination for the side of respondents, straightaway taken in to consideration, is not good for the present fact of the case. Therefore, based on the photographs filed by the petitioner this court can not comes to prima facie conclusion, the petitioner is in possession of the properties. For the present case after adduce of evidence by both sides only, this court can come to the conclusion whether the petitioner is in the possession and enjoyment of the petition mentioned properties. The petitioner has failed to show the prima facie case and balance of convenience in his favour. Hence, this court is inclined to allow this petition.

In the result, this petition is dismissed. Interim order already granted by this court is hereby vacated. No Costs.

Dictated to Steno Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 09th day of April 2025.

**District Munsif,
Palladam.**

Petitioner side documents:-

Ex-P1	-	Notice issued to petitioner's father by Record Officer Special Tahsildar Pollachi
Ex-P2	27.05.1972	Copy of Gazette Notification
Ex-P3	25.06.1972	Copy of Form - 1 issued by Record Officer (Tenancy Record)
Ex-P4	14.07.1971	Receipt issued by landlord
Ex-P5	01.04.1974	Receipt issued by landlord
Ex-P6	28.01.1993	Copy of order pronounced by Special Deputy Collector, Salem
Ex-P7	25.03.1991	Treasury chelan for remitting lease amount
Ex-P8	14.12.1992	Summon issued by Special Deputy Collector
Ex-P9	15.02.1999	Death certificate of Rangasamy gounder (Xerox)
Ex-P10	08.10.1999	Legal heirs certificate of petitioner's mother (Xerox)
Ex-P11	07.08.2019	Adangal extract
Ex-P12	03.04.2001	Land tax receipt - 2 Nos
Ex-P13	08.02.2003	Land tax receipt – 2 Nos
Ex-P14	08.02.2005	Land tax receipt
Ex-P15	08.02.2006	Land tax receipt
Ex-P16	27.02.2007	Land tax receipt

Ex-P17	03.03.2008	Land tax receipt
Ex-P18	30.05.2019	Settlement deed executed in between respondents (Certificate online copy)
Ex-P19	16.07.2019	Sale Agreement executed in between respondents (Certificate online copy)
Ex-P20	16.07.2019	Sale deed executed in between respondents (Certificate online copy)
Ex-P21	-	Photo (No.6) along with CD and receipt
Ex-P22	-	T.R.No.1/2019 petition (office copy)
Ex-P23	15.12.2022	T.R.No.1/2019 order copy
Ex-P24	-	A.P.No.2/2023 petition and stay petition (office copy)
Ex-P25	08.08.2023	A.P.No.2/2023 order copy
Ex-P26	-	Revision petition (office copy)
Ex-P27	05.01.2024	Letter along with postal cover to the petitioner
Ex-P28	28.01.2020	Photo copies and CD along with receipt (Marked with objections)
Ex-P29	29.01.2021	Photo copies and CD along with receipt (Marked with objections)
Ex-P30	02.02.2024	Photo copies and CD along with receipt (Marked with objections)
Ex-P31	17.12.2020	Sale deed doc No.15662/2020 (certificate copy)
Ex-P32	06.01.2021	Legal notice copy send to RDO Tiruppur with acknowledgment card

7th Respondent side documents:-

Ex-R1	17.12.2020	Sale deed in the name of the 7 th respondent - Online copy
Ex-R2	15.12.2022	Order of Thasildar, Palladam - Original
Ex-R3	16.02.2023	kist receipts for fasali year 1432 in the name of 7 th respondent - Original

Ex-R4	08.08.2023	Original order of Special Deputy Collector, Tiruchy
Ex-R5	24.4.2024	kist receipts for fasali year 1433 in the name of 7 th respondent - Original
Ex-R6	12.11.2024	Online chitta in the name of 7 th respondent

Respondents 3 and 6 side documents:-

Ex-R7	28.07.1970	Death Certificate of PR.P.PR Periya Karuppan Chettiar – Xerox
Ex-R8	08.04.2003	Legal Heirs Certificate of PR.P.PR Periya Karuppan Chettiar – Xerox
Ex-R9	16.03.2006	Legal Heirs Certificate of Ramanathan Chettiar – Xerox
Ex-R10	24.06.1959	Partition deed between between PR.P.PR Periya Karuppan Chettiar and others – Xerox
Ex-R11	30.04.1970	Partition deed between between PR.P.PR Periya Karuppan Chettiar and others – online copy
Ex-R12	30.05.2019	Settlement deed infavour of R1, R5, R2 executed by R6. - online copy
Ex-R13	16.07.2019	Sale deed infavour of R1 and R2 online copy
Ex-R14	17.12.2020	Sale deed infavour of R7 online copy
Ex-R15	15.12.2024	Patta in S.F.No.79A/1, 2A, 2B, 3 – online copy
Ex-R16	15.12.2024	Patta in S.F.No.79A/2C – online copy
Ex-R17	-	Kist Receipts (5 numbers) in the name of periya karuppan chettiyar
Ex-R18	-	Kist Receipts (7 numbers) in the name of Kalyani
Ex-R19	-	Kist Receipts (6 numbers) in the name of Ramanathan
Ex-R20	17.02.2023	Adangal in S.F.No.79A/1, 2A, 2B, 3 fasili year 1431
Ex-R21	06.11.2024	Adangal in S.F.No. 79A/2A, 3 fasili year 1433 – True copy
Ex-R22	06.11.2024	Filed map in S.F.No.79/A – True copy

Ex-R23	30.07.2019	Chitta in S.F.No.79A/1, 2A, 2B, 3 and 79A/2C - Certiticate copy
Ex-R24	30.07.2019	Adangal fasili years 1397 to 1424 and 1428 in S.F.No.79A/1, 2A, 2B, 3 and 79A/2C (Certificate copy)
Ex-R25	03.07.1985	Filed map in S.F.No.79A/1, 2A, 2B, 3 (Notrized copy)
Ex-R26	03.07.1985	Filed map in S.F.No.79A/2C (Notrized copy)
Ex-R27	19.06.1985	Filed map in S.F.No.79A/11, 79/B (Notrized copy)

**District Munsif,
Palladam.**