

IA No. 2/ 2025

OS No. 54 / 2025

1. This application was filed by the Petitioner / Plaintiff with an Emergent application for the relief of Ad-Interim injunction restraining the Respondents / Defendants not to interfere the peaceful possession of the Petitioner / Plaintiff over the subject Well which is situated in Suit Survey No.260/1.
2. Heard Petitioner side in detail. Perused entire records. Documents 1 to 29 were marked. On careful perusal of records it is the case of the Petitioner/Plaintiff that the suit property was allotted to the Petitioner/plaintiff by way of an registered Partition deed dated 04.04.1976 and the said document was produced as Document No.1. The 1st Respondent/ 1st Defendant is the younger brother of the Plaintiff . The 2nd Respondent is the son of the 1st Respondent. 3rd Respondent is the owner of the Adjustment suit property in S.F.No.260/2 which is situated East of the suit survey No.260/1.
3. The learned counsel for the Petitioner/Plaintiff firmly argued that there are totally two Wells were situated in the suit survey No.260/1 in that the middle of the suit property in S.F.No.260/1 there is a common Well, during the course of 2014 the Petitioner / Plaintiff had constructed an another Well in the Northern Portion of the suit survey No.260/1 for his exclusive occupation. The Respondent/Defendant being the adjudged owners trying to disturb the peaceful possession of the Petitioner over the suit property. Hence prayed for Ad-interim Injunction restraining them not to disturb the peaceful possession of the

petitioner/plaintiff.

4. On careful perusal of records Document No. 1 is the registered Partition deed dated 04.04.1976. Admittedly the Petitioner / Plaintiff was allotted with the suit property in S.F.No.260/1 as per the registered Partition Deed. Further on careful perusal of Document No.11 which is the Adangal with respect to suit survey No.260/1. On careful perusal of such document it is clear that there are 2 Wells were present in the suit survey No.260/1. Further on careful perusal of order of our Hon'ble High court in W.P.No.33427/2022 in Document No.26 our Hon'ble High court had observed and directed the Government authorities to consider the representation of the Petitioner / Plaintiff for issuance of service connection for subject Well. Further on perusal of Patta with respect to the suit property in Document No.16 and Document No.24 along with the FMB Sketches under Document No.23 and Document No.25 it clearly shows that the Petitioner / Plaintiff is having a valid Possessory right over the suit property.

5. Further it is the case of the Learned counsel for the Petitioner/plaintiff that the Respondents / Defendant who are adjacent owners are trying to disturb their peaceful possession and on 03.05.2023 after the execution of settlement Deed they are trying to disturb their possession. Hence there is a prima facie case made over and balance of convenience also in their favour and taking note of the fact that there will be a irreparable loss if the Petitioner / Plaintiff is not allowed to utilize the Well during the summer. Hence this court is of considered view that an ad- Interim injunction is granted in his favour by restraining the respondents/ defendants not to disturb the petitioner/ plaintiff till the disposal of this

application. It is clarified that No order Passed with respect to common well in S.F.No.260/1 which is allotted to the Parties for common uses. Provisions under Order III Rule 3 to be complied with. Notice to Respondents. Private Notice also permitted. Call on 10.06.2025.

Subordinate Judge,
Palladam