

**IN THE COURT OF THE DISTRICT MUNSIF, PATTUKKOTTAI.**

**Present:-Tmt. S. Kavipriya, B.A., L.L.B.,**  
District Munsif,  
Pattukkottai.

Monday, the 30th day of March 2026.

(Thiruvalluvar Aandu - 2057, Visuvasu Varudam, Panguni Thingal 16<sup>th</sup> day)

**O. S. No. 240 Of 2022**

**CNR No.TNTJ100003112022**

Mathiyalagan  
rep. by his power agent Rengarasu

**... Plaintiff**

/Vs/

1. Parthiban
2. Balasubramaniyan
3. Saroja
4. Nagarethinam
5. Abinaya
6. The Sub-Registrar, Joint No.2,  
Pattukkottai.
7. The Tahsildar, Pattukkottai
8. The District Collector, Thanjavur

**... Defendants**

....

This suit came up for final hearing before this Court on 26.03.2026, in the presence of Tmt. S. Megaladevi, learned counsel for the plaintiff. The 1<sup>st</sup> to 5<sup>th</sup> defendants were set ex parte. Thiru K. Karthikeyan, learned Government Pleader, appeared for 6<sup>th</sup> to 8<sup>th</sup> defendants. Upon hearing the arguments on both sides and upon perusing the entire case records, and the matter having been reserved for orders till this day, this Court delivers the following:

## **JUDGMENT**

1.The suit is filed by the plaintiffs to declare that the Settlement Deed dated 29.04.2011, registered as Document No. 657/2011 on the file of the Sub-Registrar Office, Joint-II, Pattukottai, standing in the name of the 1st defendant, is null and void, illegal and not binding on the plaintiff and to pass such further or other orders as this Hon'ble Court may deem fit and proper and thus render justice.

### **2.Brief averments of the plaint :-**

(1) The suit properties described in the schedule herein, along with other properties, are the ancestral family properties of the plaintiff's predecessor. The plaintiff's predecessor's grandfather, namely Rengasamy Vellalar, along with Ayyavu Vellalar (father of defendants 2 and 3 and grandfather of defendants 1 and 4), Ramasamy Vellalar, Govinda Vellalar and Marimuthu Vellalar, were parties to a suit for partition in O.S. No. 355 of 1947 on the file of the District Munsif Court, Mannargudi. In the said suit, a compromise was entered into between the parties and a compromise memo was filed, pursuant to which a decree came to be passed on 12.03.1948. As per the said decree, the 'B' schedule property therein (which is the present suit property) and certain other properties were allotted to the share of the plaintiff's predecessor's grandfather, namely Rengasamy Vellalar. A certified copy of the said decree has been filed along with the plaint, and the contents thereof shall be read as part and parcel of this plaint.

After the demise of the said Rengasamy Vellalar, his sole legal heir, namely Vaithilinga Vellalar, father of the plaintiff's predecessor, applied for mutation of patta in his name based on the aforesaid decree. Upon consideration of the relevant records, the Deputy Tahsildar, Pattukottai, in Patta Transfer Proceedings No. P.M.T. Mu.19/83-84/A-10 dated 25.07.1983, ordered transfer of patta in his favour. The said order was subsequently confirmed by the Revenue Divisional Officer, Pattukottai, in proceedings No. Mu.Mu.9130/98/A-3 dated 25.01.1999, and patta was accordingly

issued in his name. From that point onwards, the suit property has been in the possession and enjoyment of the plaintiff's predecessor's family. Copies of the patta transfer order, confirmation proceedings, and revenue records such as chitta and Natham land tax receipts have been filed along with the plaint, and the contents thereof shall be read as part of this plaint.

In the oral partition that took place within the family of the plaintiff's predecessor, the suit property and certain other properties were allotted to the share of the plaintiff's predecessor, who has been in continuous possession and enjoyment of the same. When steps were taken to record the said oral partition, and upon verification of the encumbrance certificate through the online portal on 28.05.2022, it came to light that one Valliyammal, mother of defendants 2 and 3 and grandmother of defendants 1 and 5, had executed a settlement deed in favour of the 1st defendant, registered as Document No. 657/2011 on the file of the 6th defendant. Upon obtaining and verifying the certified copy of the said document, it was found that the said Valliyammal had, without any manner of right, included even the share of the plaintiff's predecessor in the suit property and executed the said settlement deed in favour of the 1st defendant. Copies of the encumbrance certificate and the said settlement deed have been filed along with the plaint and shall be read as part of this plaint.

Thereafter, the plaintiff's predecessor submitted a petition dated 07.06.2022 before the District Registrar, Pattukottai, seeking cancellation of the said settlement deed. The District Registrar, upon perusal of the documents, passed an order dated 23.06.2022 holding that the matter involves a title dispute and advised the plaintiff's predecessor to approach the competent civil court for appropriate relief.

Hence, the settlement deed executed by the said Valliyammal in favour of the 1st defendant, and any subsequent transactions arising therefrom, cannot bind or affect the share of the plaintiff's predecessor in the suit property.

In the above circumstances, the 1st defendant is attempting to create further encumbrances over the suit property based on the said document, without any lawful right. Therefore, the settlement deed bearing Document No. 657/2011 is not binding on the rights of the plaintiff's predecessor. Accordingly, this suit has been filed seeking a declaration that the said settlement deed is null and void insofar as it affects the share of the plaintiff's predecessor in the suit property.

**3. Brief averments of the Written Statement of 1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup> Defendants:-**

The suit filed by the plaintiffs is not maintainable either in law or on facts and is liable to be dismissed in limine. Except those averments expressly admitted herein, all other allegations made in the plaint are denied. The plaintiffs are put to strict proof of each and every allegation.

It is further submitted that the address of this defendant, as stated in the plaint, is false and incorrect. The plaintiffs have deliberately furnished a wrong address. Initiating proceedings on the basis of an incorrect address is improper and illegal. Hence, the averments made in the plaint are false and vexatious, and the suit is liable to be dismissed with costs.

This suit is collusive in nature, particularly involving the 2nd defendant. The 2nd defendant is the plaintiff in O.S. No.114 of 2020 pending before the III Additional District Court, Pattukkottai. Further, the present plaintiff is the 3rd defendant in O.S. No.126 of 2013 on the file of the same Court. Thus, the 2nd defendant, namely Balasubramanian, is instrumental in initiating multiple litigations concerning the same subject matter.

It is also submitted that the dismissal of O.S. No.126 of 2013 has been suppressed by the plaintiff in the present suit. The written statements filed in O.S. No.126 of 2013 and O.S. No.114 of 2020 may be read as part and parcel of this written statement.

The suit schedule property and other properties referred to in the plaint have been lawfully acquired by these defendants. The plaintiff has not produced any document relating to O.S. No.355 of 1947 allegedly on the file of the District Munsif Court, Mannargudi. The plaintiff himself has stated that the said records are not traceable, while at the same time making reference to the year 1948, which is contradictory. Hence, the suit is liable to be dismissed at the threshold.

It is further submitted that the plaintiff has filed the present suit as a Power Agent of one Madhiyazhagan without producing proper authorization or valid legal basis. Hence, the suit is liable to be rejected for want of proper authority. The plaintiff's father, Vaithiyalinga Vellalar, is a habitual litigant who has been initiating vexatious proceedings with an intention to lay unlawful claims over the properties of the defendants. There has been longstanding enmity between the parties.

Further, with respect to the very same suit properties, O.S. No.114 of 2020 is pending before the competent Court, and therefore, the present suit is not maintainable. In the said suit, Balasubramanian (2nd defendant herein) is the plaintiff. Similarly, in O.S. No.126 of 2013, the 2nd defendant herein figures as the 3rd defendant. In both the said suits, one Saroja, who is a necessary party, has not been impleaded in the present suit. This clearly shows that the present suit is false, collusive, and legally unsustainable.

Moreover, the 2nd defendant is an adversary of defendants 1, 4, and 5 and has been impleaded in this suit only to create an appearance of dispute. The 2nd defendant has not even filed a written statement in the present suit, which further indicates the collusive nature of the proceedings. Hence, the suit is liable to be dismissed. It is also submitted that the suit properties have been lawfully acquired by defendants 1, 4, and 5, and the plaintiff has no manner of right, title, or interest over the same. The defendants reserve their right to file additional written statements, if necessary.

**3. Brief averments of the Written Statement of 6<sup>th</sup> , Defendants adopt the 7<sup>th</sup> and 8<sup>th</sup> defendants :-**

The suit filed by the plaintiff is wholly false, vexatious, and not maintainable either in law or on facts, and is therefore liable to be dismissed in limine. Save and except the facts expressly admitted herein by the 6th defendant, the plaintiff is put to strict proof of all other averments made in the plaint.

With regard to the averments contained in Paragraph III (1) and (2) of the plaint, the plaintiff is put to strict proof of the same. Except those facts specifically admitted herein, all other allegations are denied.

With regard to the averments in Paragraph III (3), it is submitted that the concerned executant executed a Settlement Deed in favour of the 1st defendant vide Document No. 657 of 2011, which was duly registered in the office of the 6th defendant. At the time of registration, all necessary documents as required under law were produced and verified, and the document was registered in accordance with the prescribed procedure. However, if this Hon'ble Court comes to the conclusion that the said registration is not valid, the 6th defendant submits that he shall abide by the orders of this Hon'ble Court.

With regard to the averments contained in Paragraph III (4) and other connected paragraphs, the plaintiff is put to strict proof of the same.

It is submitted that this defendant, being a Government authority, cannot be proceeded against without issuance of prior notice under Section 80 of the Code of Civil Procedure. In the absence of such notice, the suit is not maintainable as against the 6th defendant.

It is further submitted that the suit has been instituted on imaginary and unfounded allegations for the purpose of litigation.

4. On careful reading of the allegations made on the plaint, written statements and contents of the documents produced, the following issues were framed for trial.

**Issues :**

- i. Whether the plaintiff is entitled for the relief of the Settlement deed dated 29.04.2011 executed by Valliyammai in favour of D1 is Null and Void ?**
- ii. To what other relief the plaintiff is entitled for ?**

5. In support of the case of plaintiffs one witness was examined and 5 documents were marked. Defendants side no witnesses and no documents marked.

**6. Issue No.1:-**

- i. Whether the plaintiff is entitled for the relief of the Settlement deed dated 29.04.2011 executed by Valliyammai in favour of D1 is Null and Void ?**

At the outset, it is seen from the records that the 3rd defendant was set ex parte on 01.02.2023 and the 2nd defendant was set ex parte on 21.08.2023. Subsequently, the 1st, 4th and 5th defendants were also set ex parte on 11.03.2026. Therefore, the defence set up in the written statement filed by defendants 1, 4 and 5 remains unsubstantiated by way of oral or documentary evidence. The contest in the suit effectively survives only on the side of the 6th defendant, who has filed a written statement in his official capacity.

The case of the plaintiff is that the suit property is ancestral in nature and originally belonged to his predecessor's grandfather, namely Rengasamy Vellalar, who derived title under a compromise decree passed in O.S. No.355 of 1947 on the file of the District Munsif Court, Mannargudi. Under the said compromise decree dated 12.03.1948, the 'B' schedule property, which corresponds to the present suit property, was allotted to his share. The plaintiff has relied upon Ex.A1 and Ex.A2 to substantiate the same.

It is the further case of the plaintiff that after the demise of Rengasamy Vellalar, his sole legal heir Vaithilinga Vellalar succeeded to the property and obtained patta through proceedings dated 25.07.1983, which was subsequently confirmed on 25.01.1999. The revenue records such as patta, chitta stand in the name of the plaintiff's predecessor's family, thereby evidencing possession and enjoyment. It is also stated that in an oral partition, the suit property was allotted to the share of the plaintiff's predecessor.

The grievance of the plaintiff is that one Valliyammal, without any manner of right, executed a settlement deed in favour of the 1st defendant under Document No.657/2011, wherein even the share of the plaintiff's predecessor has been included, and therefore the said document is not binding.

Though defendants 1, 4 and 5 have filed a written statement denying the plaintiff's title and alleging collusion, non-maintainability, and suppression of earlier litigations, the same has not been substantiated, as they have remained ex parte and have not chosen to let in any evidence.

The 6th defendant, being the registering authority, has stated that the document was registered after following due procedure and upon verification of documents. However, it is well settled that registration does not confer title, and the registering authority does not adjudicate title.

On the side of the plaintiff, Ex.A1, Ex.A2 and A5 clearly indicate that the suit property was allotted to Rengasamy Vellalar under the compromise decree. Though non-production of the judgment, the documents available on record sufficiently establish the allotment. Mere non-production of the judgment will not defeat the accrued title.

Further, the revenue records standing in the name of the plaintiff's predecessor support the case of possession. The encumbrance certificate showing the settlement deed does not establish title in favour of Valliyammal. The encumbrance certificate was marked as Ex.A3.

On the other hand, no material has been placed to show how Valliyammal derived title over the suit property so as to execute the settlement deed. In the absence of such proof, the settlement deed cannot bind the share of the plaintiff's predecessor.

The settlement deed was marked as Ex.A4.

Therefore, this Court finds that the plaintiff has established a better title, and the defendants have failed to substantiate their claim.

Accordingly, this Court holds that the settlement deed bearing Document No.657/2011 executed by Valliyammal in favour of the 1st defendant is not binding on the share of the plaintiff's predecessor in the suit property and is liable to be declared null and void to that extent.

## **7. Issue No.2**

### **ii. To what other relief the plaintiff is entitled for ?**

Since the necessary relief has already been granted to the plaintiff, no further reliefs are warranted. Accordingly, this issue is answered.

As a result, the suit is decreed without cost.

Directly dictated to the Steno-Typist typed by her, corrected and additions made by me and pronounced by me in open court on this the 30<sup>th</sup> day of March 2026.

District Munsif,  
Pattukkottai.

### **Plaintiff's Side Witness:-**

|       |           |
|-------|-----------|
| P.W.1 | Rengarasu |
|-------|-----------|

**Documents marked on the side of plaintiff:-**

| S.No  | Date       | Particulars  | Remarks        |
|-------|------------|--|----------------|
| Ex.A1 | 25.07.1983 | The Patta Transfer Order issued by the Deputy Tahsildar, Pattukkottai Headquarters | Original       |
| Ex.A2 | 25.01.1999 | The proceedings of the Revenue Divisional Officer, Pattukkottai                    | Original       |
| Ex.A3 | 28.05.2022 | The computerized Encumbrance Certificate   | Original       |
| Ex.A4 | 29.04.2011 | Settlement Deed  | Certified copy |
| Ex.A5 | 23.08.2018 | The Natham Land Tax chitta   | Original       |

**Defendant's Side Witness:- - NIL-****Documents marked on the side Defendants :- -NIL-**

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