

**IN THE COURT OF THE 1st ADDITIONAL DISTRICT MUNSIF,
TIRUNELVELI**

Present : **Tmt.S.Pon Melisa, B.A., LL.B.,**
Ist Additional District Munsif,
Tirunelveli.

DATED THIS THE 20th DAY OF SEPTEMBER 2025 SATURDAY

I.A.No.5/2024 in O.S.No.356/2024

T.Rajasekar ... Petitioner / Plaintiff

// Vs //

M/s.Nangooram Namme Veedu House Owner's

Welfare Association, Represented by its

Secretary Mr.D.Ashok Kannan ... Respondent / Defendant

This petition is coming before me on 10.09.2025 for final hearing in the presence of Mr.S.Chandrasekar, Learned counsel for the petitioner and in the presence of Mr.K.Jegan Srinath, Learned counsel for the Respondent upon hearing both sides arguments and perusal of records and relevant documents and having stood over till this date for consideration, this court delivered the following:-

ORDER

This petition has been filed by the petitioner under Order 39 R 1& 2 for seeking relief of ad-interim injunction restraining the respondent, their members, agents, servants or anyone associated with the defendant association from, in any manner, enforcing or giving effect to or action upon the fabricated minutes of the meeting dated 04.11.2023 to administer the petition described property – Kondattam building in any manner pending disposal of the present suit.

2) Brief averments in the petition as follows :-

2.1) The petitioner states that petitioner had developed a residential plot layout in the name of 'NANGOORAM NAMMA VEEDU' with proper approvals, rules and regulations of the existing laws. Petitioner is the owner of 'Kondattam building' which was constructed on plots Nos. 34,35,36,53,54 and 55 in the very same approved layout for providing certain facilities such as recreation, canteen etc. It is intended to benefit the owners of the plots sold by him to individuals. After approval, petitioner sold certain plots to individual buyers and permitted those buyers to use the recreational facilities available in the Kondattam building with free of cost. However, due to ill motivation of few persons, who have formed themselves into an association viz., the defendant association, a case in Complaint No. 5 of 2022 was filed before the Tamil Nadu Real Estate Authority at Chennai. Petitioner contested the complaint but it was allowed. As against the order in C.No. 5 of 2022, petitioner filed an appeal before the Honourable Tamil Nadu Real Estate Appellate Authority. Ultimately, an Order dated 11.09.2023 was passed in Appeal No. 25 of 2023 filed by me before the Appellate Authority, confirming that petitioner is the owner of the Kondattam Building. The Appellate Authority also recorded a Joint Memo filed by the parties to the appeal (myself and the defendant association). The contents of the Joint Memo are self-explanatory. The members of the defendant association are well aware of the terms and conditions of the Joint Memo filed thereof.

2.2) Further submit that as per the Joint Memo filed before the appellate authority, petitioner and the defendant have to jointly constitute a Managing committee to administer the activities and facilities of the 'Kondattam Building' and such committee has to be constituted before 1st December 2023. For this purpose, the defendant called me for a joint meeting. The meeting was chaired and convened by the president of the association (Mrs. Parvathi. V) on 4.11.2023 which I attended. However, there was no deliberation and discussion regarding the subject matter of formation of the joint committee with me on 04.11.2023. The meeting lasted less than 30 minutes of time. However, after petitioner left the meeting venue, the president and the secretary (Parvathi. V & Ashok Kannan) of the association, on their own, prepared a fabricated minutes of the meeting without my express consent and agreement. However, the fabricated minutes was reduced into writing in such a way as if I had consented and agreed to the decisions made therein, but in reality, it was not. Therefore, the act of fabricating the minutes, without my consent and making it as if I had agreed and consented for it, is nothing short of a forgery and cheating

2.3) It is stated that that in view of the attitude of the defendant association in fabricating minutes without my consent, petitioner cautiously attended the meeting convened by them on 04.11.2023. Petitioner attended the meeting held on 04.11.2023 and subscribed my signature only for petitioner attendance of the meeting. However, till petitioner left the meeting, there was no deliberation or discussion on the subject matter. Later, by utilising the signature subscribed by petitioner, after petitioner left

the meeting venue, the defendant association, on their own, added and fabricated the minutes by adding points of minutes.

2.4) It is stated that in fact, while subscribing the signature, I had clearly written as "This signature is for attendance only and not for minutes of this meeting". Thus I, apprehending that they will fabricate minutes on their own as earlier, after I entered the meeting venue, had consciously signed as above. The apprehension of mine is imminent and real. As apprehended by me, after I left the place of meeting, they, on their own, to suit their needs, had fabricated the minutes of the meeting dated 04.11.2023, which will not bind me in any manner. Further submits that merely subscribed my signature with a caution that I signed it only for the named actors after petitioner left the meeting place, behind my back the defendant association, on their own, fabricated the minutes of the meeting on 04.11.2023 which is a deceptive method adopted by them.

2.5) petitioner humbly submit that the fabrication is committed with the purpose to abuse the law in the proceeding of the above case. Similar to the above fraud. many frauds have been done by the defendant association using my signature in the association meeting. These frauds not only deal with the above issue but also to extract the above property. The above two persons have created false documents with the intention of causing damage or injury to me in the above property And submit that the act of fabrication of the above document is done to deprive me of my lawful property. Fabricating the evidences means making the false document and they can

present it before the Court of law to mislead the proceeding of the court. These fabricating evidences can cause harm to me in court proceedings. The creation of this false document is in order to deceive the law. Therefore, on my behalf, a notice dated 15/11/2023 was issued stating that the act of the defendant in fabricating the minutes, without any discussion and deliberation with me and making it as if I had agreed and consented for it is nothing short of a forgery and cheating.

2.6) Petitioner humbly submit that I had lodged police complaint regarding the above fabrication of the document before the Superintendent of Police, DGP, Deputy Superintendent of Police, Chief Minister Cell and the Inspector of police and the complaint was sent through registered post with acknowledgement due and the same was delivered to the addresses. However, no action was taken thereof.

2.7) Further submits that first of all as per the fabricated minutes of the meeting dated 04.11.2023 served on me through E-Mail on 05.11.2023, it was stated that the committee has been constituted on 04.11.2023 and it consists of seven members. Out of the seven members, except me, the other six members have been chosen by the defendant. Such a constitution of committee on the basis of fabricated false document is illegal and it is not agreeable to me and I had never consented for the constitution of such a committee with a lone member (myself) and other six members from the defendant side. The committee has to be constituted jointly by both plaintiff and the defendant. Therefore, the notice had been served on my behalf denying the constitution of illegal committee on the basis of fabricated false

document and it is stated that composing and adding new materials in the above document is nothing short of fabrication and now the defendant association is attempting to seize the assets and take possession of the 'Kondattam building' by using the above fabricated document and constitution of the committee on 04.11.2023.

2.8) It is stated that petitioner is the owner of the Kondattam building (suit property) which was constructed by me for providing certain facilities such as recreation, canteen etc., intended to benefit the owners of the plots sold by me. While so, the constitution of the committee on 04.11.2023 on the basis of fabricated false document is illegal. The fabricated minutes of meeting recorded on 04.11.2023 should not be acted upon. If the defendant does so, it will adversely affect my interest as I am the owner of the Kondattam Building, which is the subject matter of this suit.

2.9) Further submits that I had entered into a Joint Memorandum of Compromise before the Tamil Nadu Real Estate Appellate Authority to purchase peace and the constitution of the committee on 04.11.2023 on the basis of fabricated false document is illegal. By constituting such a unilateral committee on the basis of fabricated false document, the defendant is attempting to assert a right over the suit property. The fact remains that I am the owner of the property and I had constructed the Kondattam Building with the avowed object of serving the localities. The defendant has no semblance of right over the suit property and he can at best administer the suit property along with the committee members chosen by me. As the

committee has been constituted unilaterally on the basis of fabricated false document, I have no other option but to institute this suit for a declaration and consequential permanent injunction.

2.10) Petitioner humbly submitted that the constitution of a committee to administer the suit property had emanated from and out of an illegal and fabricated minutes of the meeting in which I did not give my consent. The constitution of such a unilateral committee is illegal. The defendant committee, on the basis of the fabricated minutes of the meeting, is attempting to take over the control of the entire suit property - Kondattam Building for which they have no right. The committee has to be properly constituted and a unilateral committee constituted by the defendant, based on the fabricated minutes of the meeting will not bind me. However, the defendant association is attempting to take over the administration of the entire suit property - Kondattam Building on the basis of constitution of an illegal committee based on the fabricated minutes of the meeting. Therefore, I had filed the above suit for a declaration of my title and for consequential permanent injunction. I am the owner of the suit property and the administration of the suit property has to be done along with the members to be appointed by me to administer the suit property. However, an illegal committee has been constituted with six members on the side of the defendant association with lone member (myself) representing the plaintiff. Therefore, I respectfully submit that I have made out a prima facie case and the balance of convenience for grant of an interim injunction is in my favour. If an

Interim Injunction is not granted pending the suit, I will be highly prejudiced and it cannot be compensated in terms of money.Hence this petition.

3) Brief averments in the counter filed by the respondent as follows :-

3.1) The petition filed by the petitioner is neither legally nor factually sustainable. The petitioner is not entitled to any relief. The manner in which the petition has been filed is not maintainable, and the petition is liable to be dismissed at the very outset.” and it is stated this Court has no jurisdiction to try the present suit. Whether the Executive Committee was elected properly or improperly, or whether such election was conducted as per the directions of the Tribunal, cannot be decided by this Court.

3.2) It is stated Since the plaintiff has been acting contrary to and in violation of the order of the Appellate Authority under the RERA Act, contempt of court proceedings have already been initiated against the plaintiff before the said Tribunal, and the same is pending. Suppressing those facts, the plaintiff has now filed the present suit.As per Section 79 of the RERA Act, this Court has no jurisdiction to entertain this suit. The plaintiff’s intention is indirectly to nullify the RERA Tribunal’s order and to seek an injunction restraining the election of the Joint Executive Committee and to assume administration unilaterally. If such a relief is granted, the valid order of the RERA Tribunal will become inoperative.

3.3) If the plaintiff has any objection or grievance regarding the manner in

which Executive Committee members are elected, such remedy lies only before the Tribunal which passed the order. Therefore, the plaintiff is not entitled to the reliefs sought in this petition hence this petition liable to dismissed

4) Now the point for determination is whether the petition can be allowed or Not?

5) Both sides were no witness examined. No documents were marked.

6) Both sides arguments heard. Documents perused carefully.

7) The petitioner / plaintiff has filed the Main suit in O.S.No.356/2024 for the relief of Declaring the Managing Committee formed by the defendant association to administer the suit property on the basis of false and fabricated minutes of the meeting dated 04.11.2023 is void, arbitrary, unconstitutional and it will not bind the plaintiff in any manner in respect of the Plaint described property and a permanent injunction restraining the defendant, their members, agents, servants or anyone associated with the defendant from, in any manner, enforcing or giving effect to or acting upon the fabricated minutes of the meeting dated 04.11.2023 in respect of the Plaint described property in any manner

8) In the present interlocutory application also, the petitioner has sought for a similar relief of injunction in respect of the very same alleged minutes dated 04.11.2023. On careful consideration, it is clear that the subject matter in the suit and in the petition are one and the same. The questions as to whether the Managing

Committee was validly formed or not ? and whether the minutes dated 04.11.2023 are genuine or fabricated ? are all matters which require elaborate trial and evidence.

9) If the relief claimed in the petition is granted at this stage, it would amount to granting the very relief sought in the main suit itself. Such issues can be decided only during the course of trial, after obtaining proper evidence and answers to the above queries. Deciding the present petition at this stage will therefore lead to incomplete and premature findings.

In the result, the petition is dismissed. No costs.

Dictated to the Steno typist by me, transcribed and typed by him in Computer, Printout taken and corrected and pronounced by me in open court this the 20th day of September 2025.

Ist Additional District Munsif,
Tirunelveli.

Petitioner side Witness and documents:- NIL

Respondent side witness and documents :- NIL

Ist Additional District Munsif,
Tirunelveli.

Ist A.D.M. Court, Tirunelveli,

I.A.No.5/2024 in O.S.No.356/2024

Fair / Draft - Order,

Dated: 20.09.2025