

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

**PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.**

Thursday, the 19th day of February 2026.

**IA No.2 OF 2025
in
O.S. NO.109 OF 2024**

Mr.G.Kannan

.....Petitioner/1st Defendant

Versus

1. Mrs.Rani
2. Mr.Ravi
3. Mr.Shanmugam
4. Mrs.Latha
5. Mr.Suresh
6. Mr.Shankar
7. Mr.C.Venkatesan

..... Respondents 1 to 6/Plaintiffs
..... Respondent-7/2nd Defendant

This petition came before me on 12.02.2026 for final hearing in the presence of Mr.S.Dhanaraj, learned counsel for the petitioner/1st defendant, Mr.K.Murali, learned counsel for the Respondents/plaintiffs. The 7th respondent was set exparte in this petition. Upon hearing the arguments made by the learned counsels for the petitioner and the respondents 1 to 6 and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following

ORDER

1. This application has been filed under Order VII Rule 11 of Civil Procedure Code to reject the plaint in OS.No.109 of 2024.

2. Brief averments of the affidavit filed by the petitioner are as follows:

2.1. The petitioner herein is the 1st Defendant in the suit. The relief sought by respondents 1 to 6/plaintiffs is fraudulent under the pretext that Shop No.6 was

allotted to late Patchai, who is the husband of the 1st plaintiff and father of the remaining plaintiffs, while suppressing the material fact that he was allotted only “Bunk No.6” on rental basis by CMDA. Shop No.6, which is a ready-built shop, and Bunk No.6 are entirely different in nature and structure. However, under the guise of allotment of Bunk No.6, the plaintiffs have claimed rights over Shop No.6, which is impermissible either in law or on facts. The plaintiffs have not furnished the proper description, measurements, or boundaries of the suit schedule property. They have merely mentioned “Shop No.6” in the schedule. When claiming rights over a property, the plaintiffs ought to have furnished complete details in the plaint. Plaint documents Nos.1 to 7 relate only to the allotment of “Bunk No.6” to late Patchai. The property bearing Shop No.6 is in no way connected with Bunk No.6. However, Mr.D.Patchai filed W.P. No.5701/2015 seeking a direction to CMDA to execute a sale deed in his favour in respect of Shop No.6. Except for the said writ petition, none of the plaint documents reflect that Shop No.6 was ever allotted to him. Therefore, the relief sought by the plaintiffs is not maintainable and is illegal.

2.2. The petitioner further submits that Bunk No.6 was admittedly allotted to late Patchai on a monthly rental basis under plaint document No.1 by CMDA. CMDA issued a letter dated 28.07.2000 directing late Patchai to pay a sum of Rs.13,940/- towards rental arrears and Rs.100/- being the nominal value of the bunk, enabling them to issue an order for ownership of the bunk. However, Shop No.6 was allotted to one Mr. S. Kamaraj under Letter No.4174/AL1/80 dated 04.02.1981. Subsequently, CMDA issued a letter dated 10.07.2014 directing Mr.S.Kamaraj to pay a sum of Rs.5,84,335/- towards the cost of the land measuring 336 sq.ft., wherein the ready-built Shop No.6 is situated, along with the cost of the shop, interest, and other arrears, enabling execution of the sale deed in his favour. Accordingly, Mr.S.Kamaraj paid the entire amount, and CMDA executed a sale deed in respect of Shop No.6 in his favour vide Document No.7358/2014 on the file of SRO, Thiruvottiyur. Thereafter, he executed a sale deed in favour of the petitioner’s wife in respect of Shop No.6 after receiving sale consideration of Rs.3,86,000/- vide Document

No.7359/2014 on the file of SRO, Thiruvottiyur. She took possession of the same and transferred the property tax in her name. Similarly, Shop No.5 was allotted under Letter No.4174/AL1/80 dated 04.02.1981 to Mr. Abdul Jabbar. He paid the entire cost of the land and shop to CMDA, and CMDA executed a sale deed in his favour in respect of the land measuring 944 sq.ft., wherein ready-built Shop No.5 measuring 148.50 sq.ft. is situated, vide Document No.6573/2013 on the file of SRO, Thiruvottiyur. Mr.Abdul Jabbar nominated the petitioner as his power agent in respect of Shop No.5 under a Deed of General Power of Attorney vide Document No.6573/2013 on the file of SRO, Thiruvottiyur. As power agent, the petitioner executed a sale deed in favour of his wife, Mrs. Valarmathi, in respect of the said property vide Document No.1409/2014 on the file of SRO, Thiruvottiyur. She took possession and transferred the property tax and electricity service connection to her name. At present, the petitioner's wife is the absolute owner of Shop Nos.5 and 6 under Sale Deeds bearing Document Nos.1409/2014 and 7359/2014 respectively, and she has acquired perfect title over the same.

2.3. The petitioner submits that late Patchai, during his lifetime, made misrepresentations to CMDA and attempted to obtain a sale deed in his favour for Shop No.6 by suppressing the fact that he had been allotted only Bunk No.6. After gaining knowledge of the sale deeds executed by CMDA in favour of the respective allottees in respect of Shop Nos.5 and 6 (Document Nos.6573/2013 and 7358/2014), and the subsequent sale of those properties to the petitioner's wife (Document Nos.1409/2014 and 7359/2014), the said D. Patchai filed W.P. No.5701/2015 on 12.02.2015 with false representations, seeking a direction to execute a sale deed in respect of Shop No.6 in his favour, while suppressing the fact that he had been allotted only Bunk No.6.

2.4. The petitioner further submits that originally Bunk No.6 was installed in a marked area opposite Shop Nos.4 to 7, and late Patchai was running a laundry shop in Bunk No.6 during his lifetime. After his death, during the COVID-19 period,

respondents 1 to 6/plaintiffs trespassed into Shop No.5 and encroached upon the same, claiming rights as though it had been allotted to late Patchai under the allotment of Bunk No.6. During the second week of September 2024, the petitioner approached respondents 1 to 6/plaintiffs and requested them to vacate and hand over possession of Shop No.5. However, they illegally claimed rights over the same. On 16.09.2024, the 6th respondent/6th plaintiff lodged a complaint before Manali New Town Police Station. The police conducted an enquiry, perused the documents produced by both parties, and advised the 6th respondent/6th plaintiff to remove the encroachment on the ground that Shop No.6 and Bunk No.6 are different properties and that the plaintiffs had illegally encroached upon Shop No.5 under the guise of allotment of Bunk No.6. The 7th respondent/2nd defendant is in no way connected with the suit property.

2.5. Though respondents 1 to 6/plaintiffs have encroached upon Shop No.5, they have mentioned Shop No.6 in the suit schedule and claimed relief in respect of Shop No.6, which clearly shows that they are not even aware of the correct boundaries and measurements of Shop Nos.5 and 6. Respondents 1 to 6/plaintiffs have no right or title over Shop Nos.5 and 6 situated at Block No.7A, Manali Pudhu Nagar, which belong to the petitioner's wife. They are mere encroachers who have trespassed into Shop No.5 under the guise of allotment of "Bunk No.6." Therefore, they are not entitled to seek any relief against the true owner. "Bunk No.6" is a bunk and not an immovable property; it was installed by CMDA near the market and road in accordance with the allotment. Plaint document No.11 (CSR copy) clearly discloses that Bunk No.6 is situated at Block No.6, Manali New Town, whereas Shop Nos.5 and 6 are situated at Block No.7A, Manali New Town. This clearly establishes that respondents 1 to 6/plaintiffs have encroached upon Shop No.5 without any right or title. Further, the respondents are fully aware that Shop Nos.5 and 6 belong to the petitioner's wife, yet they have failed to implead her as a party to the suit. Therefore, the suit is liable to be dismissed on the ground of non-joinder of a necessary party. The Hon'ble Apex Court in *Anathula Sudhakar v. P. Buchi Reddy* (2008) 4 SCC 594

has held that a person in wrongful possession is not entitled to an injunction against the rightful owner. Hence, this petition.

3. Brief averments of the counter filed by the Respondents/plaintiffs are as follows:

3.1. The above suit has been filed by the respondents seeking a decree of permanent injunction restraining the defendants, their men, agents, or anyone claiming under them from in any manner threatening or attempting to evict the plaintiffs from the suit schedule property, namely Shop No.6, Manali Pudhu Nagar, Chennai – 600 103. According to the respondents, the bunk shop was allotted to their father, Mr.D.Patchai, on 25.05.1979 by the Chennai Metropolitan Development Authority (CMDA), and a monthly rent of Rs.80/- was fixed. From the date of allotment, he was running a laundry business in the suit schedule property without any interruption. CMDA issued a letter dated 24.12.1998 to their father directing him to pay the nominal value of Rs.100/- to obtain ownership of the bunk and also to pay arrears of Rs.13,940/- as on 31.12.1998, without interest, after adjusting the amounts already paid by him in respect of Shop No.6, Manali Pudhu Nagar. Subsequently, the said authority issued a show cause notice dated 28.07.2000 to the respondents' father asking why the allotment should not be cancelled. After receipt of the show cause notice, Mr. D.Patchai submitted an explanation to the authority and requested reduction of the arrears of rent from the sum of Rs.13,940/- as demanded.

3.2. The respondents submit that their father, Mr. D.Patchai, paid a sum of Rs.10,000/- to the said authority on 20.12.2001. He also made further payments towards arrears of rent as and when demanded by the authority, including Rs.1,000/- on 14.02.2002, Rs.1,000/- on 20.03.2002, and Rs.2,500/- on 28.01.2005. Thereafter, Mr. D.Patchai made several representations to the authority requesting execution of a sale deed in his favour in respect of Shop No.6, Manali Pudhu Nagar, Chennai – 600 103. Though such representations were received by the authority, no sale deed was executed in his favour. Finally, he sent a representation on 04.03.2014, which was

received by the authority on 05.03.2014. However, till date, the authority has not executed a sale deed in favour of the respondents in respect of Shop No.6, Manali Pudhu Nagar.

3.3. The respondents further submit that their father, Mr. D.Patchai, filed W.P. No.5701 of 2015 seeking issuance of a Writ of Mandamus directing the Chennai Metropolitan Development Authority to execute a sale deed in his favour. The said writ petition is pending before the Hon'ble High Court of Madras. During the pendency of the writ petition, Mr. D.Patchai died on 15.08.2015 at his residence. Thereafter, a death certificate and legal heir certificate were obtained, and the respondents filed a petition to implead themselves as legal heirs in the said writ petition, which is still pending. After the death of their father, the respondents have been continuing to run the laundry business in the suit schedule property. On 16.09.2024, the petitioner/1st defendant, along with the 2nd defendant, came to the suit schedule property and threatened the respondents to vacate the same within one month. A complaint was lodged before the Inspector of Police, Manali New Town Police Station, Tiruvallur District, stating that the defendants were attempting to interfere with their possession of the suit schedule property by illegal means. The complaint was received and CSR No.312/2024 was issued.

3.4. The respondents submit that they have been in continuous possession of the suit schedule property from the date of allotment in favour of their father, and after his demise, they have continued in possession. If the petitioner claims any right over the property, he ought to have taken appropriate legal steps by filing a suit for recovery of possession. However, no such steps were taken for the past four years. This clearly shows that the story projected by the petitioner in the present petition is false and created only for the purpose of this case. Therefore, the respondents pray for dismissal of this petition.

4. Evidence :

Neither the petitioner nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not

6. Discussion and Findings :

6.1. Heard the learned counsel appearing on either side. Records perused. The present application has been filed by the petitioner/first defendant under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint. It is the contention of the petitioner that the plaintiff/respondent was allotted only “Bunk No.6” by the Chennai Metropolitan Development Authority (CMDA) on a monthly rental basis and was directed to pay a sum of Rs.13,940/- towards arrears of rent. According to the petitioner, Shop No.6 was originally allotted to one Mr. Kamaraj and, upon payment of the entire sale consideration, a registered sale deed was executed in his favour. Thereafter, the petitioner claims to have been appointed as power agent under Document No.6574 of 2013 and, in that capacity, to have transferred Shop Nos.5 and 6 in favour of his wife under registered Sale Deeds bearing Document Nos.1409/2014 and 7359/2014. It is further contended that Bunk No.6, allotted to late Mr. D. Patchai, is distinct and unrelated to Shop No.6, and that the respondents/plaintiffs have encroached upon Shop No.5 without any right or title. The petitioner would also submit that since Shop Nos.5 and 6 stand in the name of his wife and she has not been impleaded as a party to the suit, the plaint is liable to be rejected for non-joinder of a necessary party. Hence, the present petition.

6.2. Per contra, the respondents/plaintiffs oppose the petition contending that their father, late Mr. D. Patchai, was allotted Shop No.6 on 25.05.1979 by CMDA on a monthly rent of Rs.80/-. According to them, all rental arrears were paid and several

representations were made to the authority seeking execution of a sale deed in his favour. Since the authority failed to execute the sale deed, the said Patchai filed W.P. No.5701 of 2015 seeking a writ of Mandamus directing CMDA to execute the sale deed in his favour. Pending the writ petition, Patchai died and the respondents, being his legal heirs, have taken steps to implead themselves and continue the proceedings. It is their further case that they are in continuous possession of the suit schedule property and that on 16.09.2024, the petitioner/first defendant interfered with their peaceful possession, thereby giving rise to the cause of action for filing the present suit for permanent injunction.

6.3. This Court has carefully considered the rival submissions and perused the pleadings and documents filed along with the plaint, as well as the written arguments submitted on behalf of the petitioner. It is a well-settled principle of law that while deciding an application under Order VII Rule 11 CPC, the Court is required to examine only the averments contained in the plaint and the documents relied upon by the plaintiff. The defence taken by the defendant, however strong it may appear, cannot be looked into at this stage. The Court must proceed on the assumption that the averments in the plaint are true and determine whether they disclose a cause of action or whether the suit is barred by any law.

6.4. On a meaningful and holistic reading of the plaint, it is seen that the plaintiffs have specifically sought the relief of permanent injunction restraining the defendants, their men and agents from interfering with their alleged peaceful possession of the suit schedule property, namely Shop No.6, except by due process of law. The plaint sets out the allotment in favour of their father, the payment of arrears, the representations made to the authority, the filing of the writ petition, the continuation of possession after his demise, and the alleged act of interference by the defendants on 16.09.2024. These averments, taken together, constitute a bundle of facts which, if proved, would entitle the plaintiffs to the relief sought.

6.5. It is trite that “cause of action” comprises a bundle of essential facts which the plaintiff must establish in order to succeed. The Hon’ble Supreme Court in *Church of Christ Charitable Trust and Educational Charitable Society v. Ponniamman Educational Trust*, (2012) 8 SCC 706, has held that for the purpose of Order VII Rule 11 CPC, the Court must look only at the plaint averments and determine whether they disclose a cause of action, without embarking upon an enquiry into the correctness or otherwise of such allegations. Applying the said principle, this Court finds that the plaint cannot be said to be bereft of cause of action.

6.6. The contention raised by the petitioner regarding non-joinder of his wife, in whose name the sale deeds stand, does not fall within any of the grounds enumerated under Order VII Rule 11 CPC. The question whether a party is necessary or proper and whether the suit is bad for non-joinder is a matter to be decided in appropriate proceedings and, if required, the parties may invoke the provisions of Order I Rule 10 CPC. The same cannot, by itself, be a ground for rejection of the plaint at the threshold. Likewise, the plea regarding improper description of property or the distinction between Bunk No.6 and Shop No.6 involves disputed questions of fact which require evidence and adjudication during trial.

6.7. The petitioner has not shown as to how the plaint attracts any of the specific clauses under Order VII Rule 11 CPC, such as absence of cause of action, undervaluation, insufficiency of court fee, or bar of suit by any law apparent on the face of the plaint. In the absence of any patent defect or statutory bar discernible from the plaint itself, this Court cannot exercise the power of rejection, which is a drastic one and must be exercised sparingly.

6.8. For all the aforesaid reasons, this Court is of the considered view that the plaint discloses a *prima facie* cause of action and that the issues raised by the petitioner pertain to disputed questions of fact which can be adjudicated only upon full-fledged trial. No grounds are made out for rejection of the plaint under Order VII Rule 11 CPC. Accordingly, this petition stands dismissed.

7. **Result:**

In the result, this Petition is dismissed. No costs.

Dictated by me to the stenographer, directly typed by her in her desktop, corrected and pronounced by me in the open court on this the 19th day of February 2026.

DISTRICT MUNSIF
PONNERI

Both side witnesses and documents:- NIL

DISTRICT MUNSIF
PONNERI

Fair/ Draft Order
I.A.No.2/2025
O.S.No.109/2024
Date: 19.02.2026
DMC,PNI.