

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Tuesday of 19th Day of August 2025

I.A.No.9/2025 in OS.No.85/2018

(CNR.No.TNTR21-000094-2018)

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Periabban

... Petitioner / Plaintiff

/Versus/

1. Kiliammal (died)
2. Eswari @ Devi
3. Karunakarn
4. Tamil Nadu State, The District collector, Tiruvallur.
5. The Tahsildar, Tiruttani
6. The Revenue Divisional Officer, Tiruttani
7. The Sub-Registrar, Tiruvelangadu

...Respondents/ Defendants

This petition came up before me for the final hearing on 07.08.2025 in the presence of M/s. P.C. Santhya Rani, B. Chandrean, Advocates for Petitioner, 1st Respondent died, M/s. R. Srinivasan, R. Rajeshwara Babu, P. Praveena, Advocates for 2nd, 3rd Respondents, Government Pleader for R4 to R7, counter not filed and R4 to R7 were set exparty. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Section 75(2) of Civil Rules of Practice to issue the witness summon to the Tahsildar, Tiruttani to give oral and documentary evidence regarding the Kaverirajapuram village accounts in S.No.138/6 in Patta No.885 to transferred New patta No.2035 in the name of 1st and 2nd defendants as per the RPT.No,2016/0103/001771TR, dated: 18.03.2016 all relevant documents.

1. The averments by petitioner in brief:-

The suit property was purchased by petitioner through registered sale deed on 21.10.1991 for valid consideration. The petitioner constructed a house in the suit property and he was paying house tax. The case was posted for argument. The plaintiff side evidence closed on 21.08.2024. The 2nd and 3rd defendants evidence

closed on 03.04.2025. The 4 to 7 defendants have not come chosen to give evidence and their evidence closed on 30.04.2025. In plaint para 10 mentioned as the 5th defendant who is the Revenue authorities wrongly issued patta in the name of 1st and 2nd defendants for the suit property without any enquiry. The 5th defendant filed written statement on 29.01.2021. In that written statement in Para No.4 it is mentioned as the patta for the suit property for an extent of 0.57 cents was in the name of one Arasan from the year of 1974 till his death including the UDR patta in the year of 1984. He also mentioned that after perusal of all the revenue records and the death certificate of Arasan and legalheirship certificate of Arasan the patta for the suit property was changed in the name of defendants 1 and 2 who are the legalheirs of deceased Arasan. The 1 and 2 defendants also said that after verification of documents, spot inspection and full pledged enquiry the patta was changed in the name of 1 and 2 defendants. At the time of Dw1 cross examination the 2nd defendant deposed that after producing all the revenue documents, the patta was changed in the name of 1st and 2nd defendants in the year 2017. The petitioner submit that to prove his case he requires to issue summon to the Tahsildar, Tiruttani to produce the revenue records for S.No. 138/6 in Patta No.885 to transferred new patta NO.2035 in the name of 1st and 2nd defendants as per RPT. No.2016/0103/001771TR dated 18.03.2016 and all relevant documents. Hence the petitioner filed this petition.

2. The counter filed on behalf of the 2nd and 3rd Respondents in brief:-

This petition is not maintainable either in law or on facts of the case. The petition is highly belated one. At the stage of argument the petition filed only to drag on the proceedings. The 5th defendant has already filed the written statement in the detailed manner. The 5th defendant can be called as plaintiff side evidence. The reasons for filing this petition is unnecessary and explanation is not maintainable. The acts of the petitioner and intention is only to drag on the proceedings not to contest the case. The petitioner wants to put the respondent on struggle with false suit. Hence the petition is liable to be dismissed.

3. **Point for determination:**

Whether the petitioner is entitled to the relief of as prayed for? or not?

4. Heard both side. According to petitioner, the suit property was purchased by petitioner through registered sale deed on 21.10.1991. The petitioner constructed a house in the suit property and he was paying house tax. The 5th defendant who is the Revenue authorities wrongly issued patta in the name of 1st and 2nd defendants for the suit property without any enquiry. At the time of Dw1 cross examination the 2nd defendant deposed that after producing all the revenue documents, the patta was changed in the name of 1st and 2nd defendants in the year 2017. The petitioner submit that to prove his case he requires to issue summon to the Tahsildar, Tiruttani to produce the revenue records for S.No. 138/6 in Patta No.885 to transferred new patta NO.2035 in the name of 1st and 2nd defendants as per RPT. No.2016/0103/001771TR dated 18.03.2016 and all relevant documents. Hence the petitioner prays to allow this petition.

5. The 2,3 Respondents resisted the petition by contending that the petition is highly belated one. At the stage of argument the petition filed only to drag on the proceedings. The 5th defendant has already filed the written statement in detailed manner. The 5th defendant who is contesting defendant can not be called as plaintiff side evidence. Hence, the respondents prays to dismiss the petition.

6. On perusal of records, at the stage of arguments this petition was filed. The petitioner stated that to prove his case he want to examine Tahsildar to depose and to produce the documents in respect of RPT No.2016/0103/001771TR, dated 18.03.2015 all relevant documents. But the respondent filed his counter and stated that the petitioner has no bonafide merits to examine Tahsildar, Tiruttani and he is unnecessary witness to this case. Only the petitioner has to produce the public documents after obtaining certified copies. The petitioner cannot seek remedy through this petition without approaching competent authority. Since the petition mentioned documents are public documents and that one easily obtained from the competent authority, this application presented for seeking to summoning the

Tahsildar, Tiruttani is absolutely unnecessary and has been filed to drag on the proceedings. More over, this Court relied upon a judgment in S. Arumugamsamy Vs. C.M. Raju on 8 January 2019 held that,

"Under 2 Rule 75 Sub Clause (3) of Civil Rules of Practice mandates that in case an applicant intends to summon a Public Officer, it will satisfy itself that the applicant has made an application for certified copies of the said documents and only when such certified copies have not been issued, the Court shall issue such summons. In the instant case, there is no reason adduced in the application as to the necessity for summoning the Tahsildar ad for letting in evidence with regard to the public documents and they are no averments the petitioner had filed the application seeking produce the public documents. That being the case, the petitioner may not be justified in seeking summoning the Tahsildar for proving his case."

As per the above said judgment the petitioner is not entitled to summon the Tahsildar, Tiruttani to prove his case without obtaining the copies of public documents by following proper procedure. The suit was filed in the year 2018 and pending for more than 7 years. Hence considering the age of the suit this petition is liable to be dismissed.

In the result, this petition is dismissed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 19th day of August 2025.

District Munsif,
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.