

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.
PRESENT: TMT.J.MADHUMITHA, B.A. B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.

Thursday, the 30th day of July 2026.

ORIGINAL SUIT NO.386 OF 2012
CNR.No.TNTR22 - 000134 - 2012

R.Kala

.....Plaintiff

Vs

B.James @ Rajvigneshwar

...Defendant

This suit having come on 28.07.2026 before me for final hearing in the presence of Shri.V.S.Raghavan, learned counsel for the Plaintiff, Shri.D.Inbaraj, learned counsel for the Defendant, upon hearing the arguments and the submissions made by the learned counsel for the plaintiff and the learned counsel for the defendant and on perusal of records, this suit having stood over for consideration till this day, this Court delivers the following:

J U D G M E N T

1. This suit is filed by the plaintiff seeking for a permanent injunction restraining the defendant his men, agents, servants and supporters and persons authorized through him from in any manner interfering or meddling with the peaceful enjoyment of the suit property by the plaintiff and for cost of the suit.

CONCISE STATEMENT OF THE PLAINT FILED BY THE PLAINTIFF:

2. The Plaintiff states that an extent of vacant land measuring 2220 sq ft comprised in S.No: 463/6, 7 and 9 corresponding new S.No: 463/1A1A morefully Plot No: 215 in Priya Nagar situated at Vellanoor Village, Ambattur Taluk and Thiruvallur District which is morefully described in the schedule hereunder and herein after called the suit property absolutely belonged to the plaintiff and she having purchased the same for valuable consideration of Rs.2,33,100/- from N.Nandagopal son of P.Narayansamy through and by the registered sale deed dated 22.11.2007 vide document No: 13558/2007 at SRO Avadi and from then onwards she is in absolute possession and enjoyment of the suit property and no body has got any right and title much less the defendant.

3. That the said Nandagopal purchased the same from one J.Rajavel son of S.Jagadeesan through the registered sale deed dated 25.03.2005 vide document No: 1773/2005 at SRO Avadi. The plaintiff further states that one Devaraj son of Pakkiri Naidu acquired lands through sale deeds from various persons including Balaraman son of Govindan and other lands in S.No's : 463/6, 463/1, 463/7, 463/9, 450/16 and 450/18 and he gave power to P.Ramadoss son of Parthasarathy of Kollumedu Village through the registered Power of Attorney deed dated 07.12.1987. The said Ramadoss also got deeds of Power of Attorney from Muninathan, G.Balaraman and he gathered all the lands and converted all the lands in to housing plots and named it as "Priya Nagar" and he sold Plot No:215 to A.Kasilingam son of M.Arumugam through the

sale deed dated 01.06.1988. The Vendor of the plaintiff paid kist and all the documents filed along with the plaint which form part and parcel of this plaint allegations will prove the right and title of the plaintiff and vendors and the defendant does not have any semblance of right and title to the suit property which was rightly conveyed to her and put in possession and she is in continued to be in possession and enjoyment.

4. That while being so suddenly she received a letter from Taluk Office, Ambattur to appear on 12.06.2012 and contacted her relative who has also purchased Plot No: 217 in the layout and she also informed that she has also received the said letter. While they are making arrangement with the vendors who has sold and the other persons who have also purchased in the lay out, the defendant with local supporters and unruly elements came and put up certain stones in our plots on 27.08.2012 and threatened that if we remove the same dire consequence will follows. Immediately the Plaintiff's relative informed the police officials who advised them to approach the Civil Court and removed the stones but the defendant and his hence men challenged that they will again come with force and remove the fence and if they succeed in their attempts the plaintiff will be put very great loss, hardship and damages and the resultant mental torture cannot be compensated with money value and therefore the balance of convenience is in favour of the Plaintiff. Hence this suit.

CONCISE STATEMENT OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT :

5. The Defendant denies each and every one of allegations and averments

contained in the third to sixth paragraph of the plaint as false, frivolous, fabricated, concocted and misconceived, except in those that are specifically admitted herein and put the plaintiff to the strict proof of the same. That the instant suit is devoid of any merits either in law or on fact and liable to be dismissed. The defendant specifically and categorically denies each and every one of the averments and allegations mentioned in the third to fifth paragraph of the plaint, especially that the present property in which the plaintiff is now claiming title, ownership as suit property is situated in Old S.No.463/6, S.No.463/7 and S.No.463/9, New S.No.463/1A1A of Vellanur Village but in fact that the same is situated in S.No.463/8 of Vellanur Village, Ambattur Taluk.

6. The defendant specifically denies each and every one of allegation mentioned in the fifth paragraph of the plaint, more specifically that the defendant along with local people and unruly elements came to the suit property on 27.08.2012 and put up certain stones in the plaintiff's property, further threaten the plaintiff to face dire consequences if the stones are removed. The defendant submits that originally 0.33 cents, comprised in S.No.463/8 of Vellanur Village, Ambattur Firka and Taluk, bounded on the North by Land belongs to Murugaiah Nadar; South by lands belongs to Karthick; East by land belongs to Padmavathy; West by Land belongs to Palayam, Subramani Mudaliyar, within the Civic jurisdiction of the Morai Panchayat was purchased by the mother of the defendant namely B.Sarasu, through a registered sale deed dated 15.07.1971, registered as D.No.1769 of 1971 before SRO, Poonamallee.

Subsequently, since the defendant was a minor, the defendant's mother B.Sarasu has executed a registered settlement deed dated 08.04.1985, to and infavour of the defendant, registered as D.No.1854 of 1985 before SRO, Poonamallee, by appointing his father G.Balaraman as his Guardian and ever sine the date of execution of the property situated in S.No.463/8A, without interference from others. Subsequently the defendant's father had constructed two shed in the property. The defendant submits that all the revenue records are maturated in the name of the defendant and now the concerned revenue officials after measurement of the property, transferred the patta for the property in the name of the defendant and also issued a letter dated 22.09.2012 to the defendant. Thereafter the defendant had constructed a building in his property and obtained electricity service connection in his name and also the local panchayat has assessed the building for the property tax and the plaintiff is regularly paying the consumption charges and property Tax to the concerned authorities, thus the defendant's mother and the Defendant are in absolute possession and enjoyment of his property without any hindrance from others including the Plaintiff.

7. That during his student's day, due to numerology changed his name as Raj Vigneshwar after making necessary publication in the Government Gazetted on 24.05.1995. That on 10.04.2012 when the defendant went to the Ambattur Taluk Office for Patta enquiry, the defendant has lost in transits all the Original Title Deeds of the above mentioned property, immediately the defendant has lodged a complaint before the T7, Avadi Tank Factory and the Police after through investigation issued a

untraceable certificate to the defendant on 14.04.2012.

8. That the plaintiff, who was the promoter of the unapproved lay out in the name Priya Nagar had sold entire plots situated in S.No.463/3A, 3B, 3C, 463/4, 463/5, 463/6, 463/7, 463/9, 463/10 of Vellanur Village, Ambattur Taluk to different third parties now without having any legally valid title, ownership defendant's property as that of their suit property made an attempt to trespass into property and the same was prevented by the defendant, immediately the defendant has filed a suit in O.S. No.394 of 2012 before this Hon'ble Court and this Hon'ble Court was pleased to grant Ad-interim injunction, thereafter since there is a dispute with regard to the Survey Number of the existing property, the defendant has filed an application for the appointment of Advocate Commissioner to measure the defendant's property by a Taluk Surveyor in accordance with the FMB and other relevant records and this Hon'ble Court was pleased to appoint an Advocate Commissioner and the Taluk Surveyor has inspected the defendant's property and filed a report along with three sketch, showing that the property wherein the plaintiff has claiming title, ownership is actually situated in S.No.463/8A and not in 463/7 or in any other sub-divided survey numbers, which shows that the suit property is situated somewhere else and the above suit is a counter blast for the suit filed by the defendant.

9. Since the plaintiff has sold the entire extent of the suit properties to different third parties, the plaintiff has no subsisting right to file the suit for the suit property and also the plaintiff after filing the above suit, has filed another suit before the

Hon'ble Sub-Court, Poonamallee for the same suit property. There is no cause of action and the suit is improperly valued. Hence prayed to dismiss the suit with an exemplary cost of Rs.50,000/- stipulated in the CPC.

10. On perusal of the plaint and written statement filed by the defendant, this Court framed the following issues on 04.07.2015:

ISSUES

1. *Whether the plaintiff is in possession and enjoyment of the suit property?*
2. *Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?*
3. *To what other relief?*

11. **Evidences:** On the side of plaintiff, the Power agent of the Plaintiff was examined as PW1 herself and Ex.A1 to Ex.A12 documents were marked and a third party was examined as PW2. The Defendant was examined as DW1 himself and Ex.B1 to B11 documents were marked on the side of defendant. Advocate Commissioner and Surveyor report marked as Ex.C1 and C2 in PW1 evidence.

Discussion and findings -

Answer to Issue No.1 and 2 –

12. As the suit has been filed by the Plaintiff for the relief of permanent injunction alone, it is important to look into the fact that whether on the date of filing of the plaint, the Plaintiff has been in lawful possession of suit property or not. Plaintiff has been examined as PW1, and Ex.A1 to A12 have been marked. On perusal of the

documents present before Court, it is inferred from Ex.A2 that from the schedule of the sale deed it is inferred that extent of vacant land measuring 2220 sq ft comprised in S.No: 463/6, 7 and 9 corresponding new S.No: 463/1A1A morefully Plot No: 215 in Priya Nagar situated at Vellanoor Village, Ambattur Taluk, has been purchased by Plaintiff through the registered sale deed dated 22.11.2007 vide doucment No: 13558/2007 at SRO Avadi.

13. It is observed from the case of the Defendant that, Defendant claims that he is in possession of that 0.33 cents, comprised in S.No.463/8 of Vellanur Village, Ambattur Firka and Taluk, and states that it was purchased by the mother of the defendant namely B.Sarasu, through a registered Ex.B2 sale deed dated 15.07.1971, registered as D.No.1769 of 1971 before SRO, Poonamallee, and that subsequently, since the defendant was a minor, the defendant's mother B.Sarasu has executed a registered Ex.B1 settlement deed dated 08.04.1985, to and infavour of the defendant, registered as D.No.1854 of 1985 before SRO, Poonamallee, by appointing his father G.Balaraman as his Guardian.

14. From the evidence of PW1 and DW1 it is inferred that there is clear dispute in identification of the suit property on land, as the Defendant has objected that the Plaintiff is claiming the Defendant's property lying in S.No.463/8A as the suit property of S.No.463/6, 463/7, 463/9. As there is a dispute with regard to the Survey Number of the existing property, the defendant had filed an application for the appointment of Advocate Commissioner to measure the defendant's property by a

Taluk Surveyor in accordance with the FMB and other relevant records in which the Advocate Commissioner was appointed and had inspected suit property schedule A as S.No.463/8A of Vellanur village, and Schedule B as S.No.463/6, 463/7, 463/9 corresponding new S.No.463/1A1A in Plot No.215 of Vellanur village.

15. On perusal of the Ex.C1 Advocate commissioner report, and Ex.C2 Taluk surveyor report, it is inferred that Advocate Commissioner and the Taluk Surveyor has inspected the defendant's property and the suit property, and filed a report along with three sketch, showing that the property wherein the plaintiff is claiming title, it is actually situated in S.No.463/8A and not in S.No.463/6, 463/7, 463/9 corresponding new S.No.463/1A1A of Vellanur village. The Ex.A8 is the layout of the Priya nagar filed by the Plaintiff, which is admitted by the Plaintiff in PW1 cross examination that Ex.A8 is an unapproved layout. Further on perusal of the FMB Sketch in the commissioner and surveyor report, it is clearly distinguished and shown that the suit survey numbers S.No.463/6, 463/7, 463/9 corresponding new S.No.463/1A1A of Vellanur village are not found in the Plot No.215 mentioned in the Ex.A8 layout.

16. Hence it is not proved by the Plaintiff that the suit property is present on land as mentioned in the plaintiff relied documents. Thus the Plaintiff has not sufficiently proved through oral and documentary evidence that the physical possession of the Plaintiff, in the schedule mentioned plot no.215, in compliance with Ex.A8 layout of

the Priyanagar in Vellanur village, is with the Plaintiff. Hence, the Plaintiff is not entitled to the relief of permanent injunction as prayed for, and thus **Issue No.1 and Issue No.2 are answered against the Plaintiff.**

Answer to Issue No.3 -

17. Since this Court decided that the Plaintiff is not entitled to the relief of permanent injunction, it is decided that the Plaintiff is not entitled for any other reliefs. Thus **Issue No.3 is answered against the Plaintiff.**

Result -

18. In the result, this suit is dismissed. No order as to costs.

Dictated to the steno-typist, typed directly by her in the desktop, corrected and pronounced by me in the open Court on this 30th day of July 2026.

**DISTRICT MUNSIF,
AMBATTUR.**

PLAINTIFF SIDE WITNESSES:

PW1 Janaki @ Reka

PW2 Gowrishankar

PLAINTIFF SIDE EXHIBITS:

Exhibit A1	09.05.2018	Special Power of Attorney Deed - Original
Exhibit A2	22.11.2007	Sale Deed – Certified Copy
Exhibit A3	25.03.2005	Sale Deed – Certified Copy
Exhibit A4	07.11.2003	Sale Deed – Certified Copy
Exhibit A5	01.6.1988	Sale Deed – Certified Copy

Exhibit A6	21.11.2007	Kist Receipt - original
Exhibit A7	11.06.2012	Encumbrance Certificate - Original
Exhibit A8	--	Layout - Copy
Exhibit A9	26.02.1988	General Power of Attorney Deed – True Copy
Exhibit A10	07.12.1987	General Power of Attorney Deed – Certified Copy
Exhibit A11	--	Photos with CD and Receipt - Original
Exhibit A12	02.11.1987	General Power of Attorney – Certified Copy

DEFENDANT SIDE WITNESSES :

DW1 James @ Rajvigneshwar

DEFENDANT SIDE EXHIBITS :

Exhibit B1	08.04.1985	Settlement Deed – Certified Copy
Exhibit B2	15.07.1971	Sale deed – Certified Copy
Exhibit B3	--	TamilNadu Government Gazette – Certified Copy
Exhibit B4	13.04.2012	Police Notice – Certified Copy
Exhibit B5	17.09.2012	Patta – Certified Copy
Exhibit B6	22.09.2012	Proceedings of the Tahsildar – Certified Copy
Exhibit B7	24.09.2012	Chitta and Adangal – Certified Copy
Exhibit B8	14.08.2012	Tax Receipt – Certified Copy
Exhibit B9	--	CD and Photo - Certified Copy
Exhibit B10	--	Plaint and IA Petition in OS.387/2012 - Certified Copy
Exhibit B11	27.08.2012	Encumbrance Certificate – Certified Copy

COURT SIDE WITNESSES : NIL

COURT SIDE EXHIBITS:

Exhibit C1	--	Advocate Commissioner Report - Original
Exhibit C2	--	Taluk Surveyor Report – Original

**DISTRICT MUNSIF,
AMBATTUR.**