

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.387 OF 2012
CNR.No.TNTR22 - 000135 - 2012

1. B.Sujatha

2. N.Vasantha

.....Plaintiffs

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 Plaintiffs, Shri.D.Inbaraj, learned counsel for the Defendant, upon hearing the arguments and the submissions made by the learned counsel for the Plaintiffs 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 plaintiffs and for cost of the suit.

CONCISE STATEMENT OF THE PLAINT FILED BY THE PLAINTIFF:

2. The Plaintiffs submits that an extent of vacant land measuring 2100 sq ft comprised in S.No: 463/7 of Vellanur Village at Plot No:217 which is more fully described hereunder and hereinafter called the suit property absolutely belongs to the plaintiffs. The 1st Plaintiff got a portion of the Plot No:217 measuring 1064 ¼ sq ft from her mother N.Vasanth W/o. S.Natarajan the 2nd Plaintiff herein through and by the Registered Settlement Deed dated 10.02.2006 vide Doc No: 680/2006 at SRO Avadi. The 1st Plaintiff accepted the Settlement and took possession of the same and been in enjoyment as right full owner without any hit (or) hindrance, right from the date of the settlement in her favour.

3. That the settler her mother the 2nd Plaintiff purchased this Plot No.217 in Priya Nagar 2100 Square feet from W.R.Vijaya W/o. K.Seshadiri through the registered Sale Deed dated 13.06.2005 vide Doc No.3350/2005 at SRO Avadi. The said W.R.Vijaya purchased the same from C.Krishnan, C.Muninathan sons of Chella Pillai through their Power Agent, P.Ramadass S/o. Parthasarathi Mudali through the registered sale deed dated 25.08.1989 vide Doc No.6647/1989 at SRO Poonamallee.

4. That the Power Agent P.Ramadass got powers to an extent of 0.63 Acres comprised in S.No's 463/1 and 463/7 and plotted out the entire areas as Power Agent of various persons and named it "Priya Nagar" and sold Plot No.217 measuring 2100

Square feet to W.R.Vijaya along with other items and the said Vijaya sold Plot No.217 in the year 2005 to the 2nd Plaintiff. Thus the Plaintiffs, and their vendors have got absolute right and possession to the suit property and the Plaintiffs have been in peaceful possession and enjoyment right from the date of Purchase and Settlement by constructing two houses in their property without any objection from any persons much less the defendant herein.

5. That the 2nd Plaintiff applied for granting of Patta in her name on 16.05.2007 and suddenly the 1st plaintiff who is residing received a letter dated 02.06.2012 from Tahsildar Ambattur to appear before him on 12.06.2012 for an enquiring for granting of Patta in favour of defendant. The Plaintiffs came to understand that the defendant's claims right for S.No.463/8A and 463/1A1A measuring 0.59.09 Hectre. The Plaintiffs gave their representation and submitted their documents. While the said enquiry is pending the defendant suddenly on 27.08.2012 came with rowdy elements and put up stones in a portion of the Plaintiffs property immediately the Plaintiffs objected the same and approached the Police officials who removed the stones and advised both parties to approach Civil Court and to get appropriate relief. But the defendant from 28.08.2012 on wards challenged that they will once again trespass into the suit property and will put up stones with Political support. They got man-power to do the same and if they succeed in their attempt the plaintiffs will be put to very great, loss hardship and damages and resultant injury cannot be compensated with money value and it is irreparable and therefore the balance of convenience is in

favour of plaintiffs and hence the suit.

CONCISE STATEMENT OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT :

6. 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, excepting 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 facts and liable to be dismissed.

7. 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 S.No.463/7 of Vellanur Village but in fact that the same is situated in S.No.463/8 of Vellanur Village, Ambattur Taluk.

8. 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 Palayam, Subramani Mudaliyar, within the Civic jurisdiction of the Morai Pan-

chayat 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 an 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 since the date of execution of the Settlement Deed the Defendant is in possession and enjoyment 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 plaintiffs. That during his student's day, due to numerology changed his name as Raj Vigneshwar after making necessary publication in the Government Gazette on 24.05.1995.

9. 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.

10. That the plaintiffs, who have purchased a Unapproved Plots in comprised S.No.463/7 of Vellanur Village, Ambattur Taluk without having any legally valid title, Ownership or Possession over the property of the Defendant, misconstrued the 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.395 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 plaintiffs have 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. Moreover since the plaintiff has sold the entire extent of the suit properties to different third par-

ties, 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.

11. 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 plaintiffs are in possession and enjoyment of the suit property?*
- 2. Whether the plaintiffs are entitled to the relief of permanent injunction as prayed for?*
- 3. To what other relief ?*

12. **Evidences:** On the side of plaintiffs, the 2nd Plaintiff was examined as PW1 herself and Ex.A1 to Ex.A7 documents were marked and a third party was examined as PW2. The Defendant was examined as DW1 himself and Ex.B1 to B10 documents were marked on the side of defendant. Ex.C1 to C4 documents were marked as Court Exhibits.

Discussion and findings -

Answer to Issue No.1 and 2 -

13. 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 A7 have been marked. On perusal of the documents present before Court, it is inferred from the schedule of the Ex.A2 sale deed that the 2nd Plaintiff purchased the Plot No.217 in Priya Nagar 2100 Square feet from W.R.Vijaya W/o. K.Seshadiri through the registered Sale Deed dated 13.06.2005 vide Doc No.3350/2005 at SRO Avadi.

14. 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.B1 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.B2 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.

15. 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.463/7. 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 Advo-

cate 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.217 Priyanagar layout of Vellanur village.

16. 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.C3 layout of the Priya nagar in the advocate commissioner report is admitted to be an unapproved layout by the Plaintiff. Further on perusal of the Ex.C4 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.217 mentioned in the Ex.C3 layout.

17. 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.217, in compliance with Ex.C3 layout of the Priyanagar colony 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 -

18. 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 -

19. 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.**

PLAINTIFFS SIDE WITNESSES:

PW1 Vasantha

PW2 Gowrisankar

PLAINTIFFS SIDE EXHIBITS:

Exhibit A1	10.02.2026	Settlement Deed – Certified Copy
Exhibit A2	13.06.2005	Sale Deed – Certified Copy
Exhibit A3	25.08.1989	Sale Deed – Certified Copy
Exhibit A4	23.04.2012	Encumbrance Certificate - Original
Exhibit A5	26.06.1988	General Power of Attorney Deed – Certified Copy
Exhibit A6	02.06.2012	Notice - original
Exhibit A7	--	Photos and CD

DEFENDANT SIDE WITNESSES :

DW1 James @ Rajvigneshwar

DEFENDANT SIDE EXHIBITS :

Exhibit B1	15.07.1971	Sale Deed – Certified Copy
Exhibit B2	08.04.1985	Settlement Deed – Certified copy
Exhibit B3	24.05.1995	Tamilnadu Government Gazette - Certified copy
Exhibit B4	14.04.2012	Police Notice - Certified copy
Exhibit B5	17.09.2022	Patta - Certified copy
Exhibit B6	22.09.2012	Proceedings of the Tahsildar - Certified copy
Exhibit B7	--	Chitta and Adangal - Certified copy
Exhibit B8	14.08.2012	Penal Tax Receipt - Certified copy
Exhibit B9	--	Photos – Certified Copy
Exhibit B10	29.08.2012	Encumbrance Certificate - Certified copy

COURT SIDE WITNESSES : NIL

COURT SIDE EXHIBITS :

Exhibit C1	--	Advocate Commissioner Report - Original
Exhibit C2	--	Surveyor Report - Copy
Exhibit C3	--	Layout - Original
Exhibit C4	--	Sketch - Original

**DISTRICT MUNSIF,
AMBATTUR.**