

TNTS080001352020



**IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF OF  
SANKARANKOVIL**

**PRESENT: Selvi. Pavithra G, LL.M.,**

Additional District Munsif, Sankarankovil

On Monday, 15<sup>th</sup> day of June 2026

**Original Suit No. 103/2020**

(CNR. No.TNTS08 – 000135 - 2020 )

Mariappan

... Plaintiff

/vs/

Bhavani

... Defendant

This suit came up on 02.06.2026 for final hearing before this court in the presence of Thiru. Jeyakumar, Learned counsel for the plaintiff and defendant was called absent and set exparte on 23.02.2026. Upon hearing both side arguments and upon perusing the material records and having stood over for consideration till this date, this court delivered the following:

## **JUDGMENT**

This suit has been filed by the plaintiff praying this Court to declare as against the defendant that the plaint schedule property belongs to the plaintiff and to grant permanent injunction against the defendant, his agents, servants or heirs from interfering in the plaintiff's peaceful enjoyment of plaint schedule property in any manner and for costs.

### **1.BRIEF AVERMENTS OF PLAINT:**

The plaint schedule property belonged to plaintiff through house plot patta order issued by government. On 11.01.1994, Sankarankovil Tahsildar ordered for sub-division of South Kuruvikulam village survey no. 345/25 subject to condition and ordered for grant of individual patta via order in proceedings D.D.R.1034/93-94. Based on the said order, the plaint schedule property was given to the plaintiff and that since then, the plaint schedule property has been in enjoyment and possession of the plaintiff. The said document has been lost and is currently not in the possession of plaintiff. Hence, the plaintiff was unable to file the aforementioned original document. Old survey number of plaint schedule property is 149/9 and that the plaint schedule property later bore the survey no. 345/25. Then, as per the aforementioned Tahsildar's order, survey no. 345/25 was subdivided for plaintiff and 8 other persons and based on the same, the plaint schedule property came to belong to plaintiff and since then, the plaint schedule property has been under possession of plaintiff. In such circumstances, the plaintiff made a mud hut in plaint schedule property and enjoyed the said property. Since the plaintiff often had to go to Kerala for his work, the plaintiff was unable to maintain his hut made in plaint schedule property and due to the same, the plaintiff's hut and his

goat shed got damaged due to natural calamities and rain. After facing such loss, the plaintiff has been keeping the wooden logs and stones of the damaged hut in plaint schedule property and has been maintaining the same since then. In such circumstances, in 2018 July month, while the plaintiff has been taking steps to renovate the plaint schedule property and to build house in the said property, the defendant interrupted the plaintiff's peaceful possession and enjoyment of plaint schedule property using thorn plants. The plaintiff stated about the same to village elders and for the same, village elders asked them to measure the property and to act in accordance with the documents. Based on the said advice, on 06.08.2018, the plaintiff filed a petition in Sankarankovil Taluk office and had taken steps to build house in the plaint schedule property. In such circumstances, the defendant had damaged the thorn plants in plaint schedule property and has been threatening the plaintiff stating that he was going to put metal shed in the said property. After hearing the same, the plaintiff gave complaint in Kuruvikulam police station against the defendant. On receiving such complaint, police called both parties to the station and instructed them to get remedy through Civil Court and CSR No. 299/2019 was given to the said complaint. The plaintiff has now dumped stones, sand and other construction materials for the purpose of constructing house in the plaint schedule property. In such circumstances, the defendant has been interrupting the plaintiff's peaceful enjoyment and possession of plaint schedule property since 18.07.2020. There are numerous complaints against the defendant in Kuruvikulam police station. The defendant is not a law-abiding person. Hence, this suit has been filed by the plaintiff praying this Court to declare as against the defendant that the plaint schedule property belongs to the plaintiff and to grant permanent injunction against the defendant, his agents, servants or heirs from

interfering in the plaintiff's peaceful enjoyment of plaint schedule property in any manner and for costs.

## **2. BRIEF AVERMENTS OF WRITTEN STATEMENT:**

The suit is false, frivolous and vexatious. In 1990-1991, free house plot conditional patta was granted to 8 persons including the plaintiff by Tahsildar on 23.12.1991, with respect to land in survey no. 149/49 and that order in that regard was passed by Tahsildar in 1991. In such circumstances, since the plaintiff and other persons violated the conditions as they did not build house for many years, the free house plot patta was revoked and possession of the said properties were taken by the government. The plaintiff and other 7 persons did not enjoy the house plots at any point of time. The plaint schedule property is ancestral property of defendant's father and the said property has been under the possession and enjoyment of defendant's predecessors for about 100 years and in the said land, they had been dumping waste. In such circumstances, with an intention to wrongfully grab the plaint schedule property, plaintiff has been contending that conditional patta was granted to the plaintiff with respect to plaint schedule property and that he built a hut in the said property. In the information given by Sankarankovil Tahsildar office with respect to the petition filed by defendant, it was mentioned that the persons (including plaintiff) to whom the free house plot patta was granted had violated the conditions. Revenue department did not measure the plaint schedule property at any point of time. The plaintiff gave false complaint against the defendant and for the same, the police warned the plaintiff not to file false complaint. Suppressing the aforementioned facts, the plaintiff had filed plaint fraudulently. The plaintiff had not been in possession and enjoyment of

plaint schedule property and in the land for which the conditional patta was granted. The cause of action and facts mentioned in the plaint are false. Since the plaintiff had violated the conditions of conditional patta granted, the land for which the said patta was granted was taken back by the government. Hence, the plaintiff has no right to file this suit. Tahsildar and District Collector are necessary parties to this suit. However, they have not been added as parties to the suit and so, the suit is liable to be dismissed. The plaintiff did not have any right over the plaint schedule property and so the suit filed by him is liable to be dismissed with defendant's costs.

### **3. ISSUES TO BE DECIDED:**

On considering the above pleadings, documents, this court framed the following issues on 02.08.2023 for consideration:

- 1) Whether the plaintiff is enjoying the suit property as per the assignment given by the government to the plaintiff?
- 2) Whether the plaintiff is entitled to the relief of declaration and injunction against the defendant in respect of suit property?
- 3) For what other relief the plaintiff is entitled?

### **4. DOCUMENTS AND EVIDENCE:**

On the plaintiff's side, plaintiff was examined as PW1. Ex.A.1 to Ex.A.7 were marked through PW1. Mr. Kuruvaiya was examined as PW2.

The defendant had been set exparte on 23.02.2026. Hence, on the defendant's side, no documentary and oral evidence were adduced.

## **5. DISCUSSION AND DECISION:**

Both side arguments were heard and material records were perused.

### **5.1. ISSUE NO. 1 AND ISSUE NO.2:**

i) On perusal of plaint, this Court finds that it has been contended therein that on 11.01.1994, Sankarankovil Tahsildar ordered for sub-division of South Kuruvikulam village survey no. 345/25 subject to condition and ordered for grant of individual patta via order in proceedings D.D.R.1034/93-94; that based on the said order, the plaint schedule property was given to the plaintiff and that since then, the plaint schedule property has been in enjoyment and possession of the plaintiff; that old survey number of plaint schedule property is 149/9; that the plaint schedule property later bore the survey no. 345/25; that as per the aforementioned Tahsildar's order, survey no. 345/25 was sub-divided for plaintiff and 8 other persons and based on the same, the plaint schedule property came to belong to plaintiff and since then, the plaint schedule property has been under possession of plaintiff. On analysis of the aforementioned contentions in the plaint, this Court is of the opinion that as per the above stated contentions, the plaint schedule property is situated in sub-division of survey no. 345/25. However, on perusal of the plaint schedule, this Court finds that it has been mentioned therein that the plaint schedule property is currently situated in survey no. 345/30. In this context, this Court finds it essential to point out that perusal of the entire plaint pleadings shows that there is no mention of the plaint schedule property being currently situated in survey no. 345/30 and instead, it has been contended that the plaint schedule property is situated in one of the sub-divisions of survey no. 345/25. From the above discussion, this Court is of the opinion that there is

discrepancy between the plaint pleadings and plaint schedule, with respect to the survey number of plaint schedule property.

ii) On the plaintiff's side, Ex.A.1 to Ex.A.7 had been marked. Ex.A.1 is the CSR given for the complaint filed by the plaintiff against the defendant in Kuruvikulam police station. Ex.A.2. is the aadhar card of plaintiff. Ex.A.3 is the computer downloaded copy of patta bearing patta no. 512 granted in the name of plaintiff. Ex.A.4. is the FMB sketch for the plaint schedule property. Ex.A.5. is copy of complaint given by the plaintiff against the defendant and his family. Ex.A.6 is the petition filed by plaintiff addressing Tiruvengadam Tahsildar office seeking them to measure natham survey no. 345/30. Ex.A.7 is SRO Copy of registered sale deed executed by Chinna Mariappan S/O Mariappan in favour of Chellakani. On perusal of the aforementioned case records, this Court finds that Ex.A.1., Ex.A.2. and Ex.A.7. do not speak about the survey number of plaint schedule property. On perusal of Ex.A.3., this Court finds that it is natham patta (bearing patta no. 512) granted in the name of plaintiff with respect to survey no. 345/30. Similarly, on perusal of Ex.A.4 to Ex.A.6., this Court finds that the survey number mentioned therein is 345/30 and that there is no mention of survey no. 345/25. From the above discussion, this Court is of the opinion that the discrepancy between the plaint pleadings and plaint schedule, with respect to the survey number of plaint schedule property is material and after considering that documents filed by plaintiff contain survey no. 345/30, this Court is of the further opinion that such discrepancy cannot be ruled out merely as typical error. Further, the plaintiff has submitted neither the conditional patta granted in the plaintiff's name by the government nor the order dated 11.01.1994 which is alleged to have been issued by Sankarankovil Tahsildar with respect to grant of such patta in the

plaintiff's name. In such circumstances, this Court finds it impossible to ascertain as to whether the government had truly granted conditional patta in plaintiff's name and as to the survey number mentioned in the such order.

iii) In light of the above discussion, this Court is of the opinion that the material discrepancy with respect to survey number of the property which is alleged to have been granted in the plaintiff's name stands unresolved and that such discrepancy is fatal to the plaintiff's case. Considering the same and considering that the plaintiff has adduced neither the conditional patta alleged to have been granted by the government in his name nor the order of Sankarankovil Tahsildar based on which the said patta is alleged to have been granted, this Court concludes that the plaintiff has failed to establish his title over the plaint schedule property and so, he is not entitled to the relief of declaration as prayed for. In such circumstances, considering that the consequential relief of permanent injunction has been sought by the plaintiff on the basis of his alleged title in plaint schedule property and considering that there is discrepancy with respect to the description of plaint schedule property, this Court is of the opinion that the plaintiff has failed to prove that he is enjoying the suit property as per the assignment given by the government to the plaintiff and so, the plaintiff is not entitled to the relief of permanent injunction as prayed for. Accordingly, issues no. 1 and 2 have been decided against the plaintiff.

### **5.2. ISSUE NO. 3:**

From the discussion in para 5.1., it is clear that the plaintiff is not entitled to relief of declaration and permanent injunction, with respect to the plaint schedule property. Since no other remedy had been prayed for by the plaintiffs, this Court is

of the opinion that plaintiff is not entitled to any other relief. Accordingly, Issue No. 3 has been decided against the plaintiff.

**In the result,**

- 1) The suit is dismissed.**
- 2) No costs.**

This judgment was typed by me in my laptop, corrected and pronounced by me in the open court on 15.06.2026.

Additional District Munsif,  
Sankarankovil

**PLAINTIFF'S SIDE EVIDENCE:**

PW1 – Mariappan (plaintiff)

PW2 – Kuruvaiya

**PLAINTIF'S SIDE EXHIBITS:**

|        |            |                                                                                                                   |
|--------|------------|-------------------------------------------------------------------------------------------------------------------|
| Ex.A.1 | 02.06.2019 | CSR given for the complaint filed by the plaintiff against the defendant in Kuruvikulam police station – Original |
| Ex.A.2 | -          | Aadhar Card of plaintiff – Xerox copy compared with original                                                      |
| Ex.A.3 | 20.09.2015 | Computer downloaded copy of patta bearing patta no. 512 granted in the name of plaintiff                          |

|        |            |                                                                                                                           |
|--------|------------|---------------------------------------------------------------------------------------------------------------------------|
| Ex.A.4 | 20.09.2015 | FMB sketch for the plaint schedule property                                                                               |
| Ex.A.5 | 13.08.2020 | Xerox copy of complaint given by the plaintiff against the defendant and his family                                       |
| Ex.A.6 | 19.08.2020 | Petition filed by the plaintiff addressing Tiruvengadam Tahsildar office seeking them to measure natham survey no. 345/30 |
| Ex.A.7 | 08.08.2024 | SRO Copy of registered sale deed executed by Chinna Mariappan S/O Mariappan in favour of Chellakani                       |

**DEFENDANT'S SIDE EVIDENCE:** Nil

**DEFENDANTS' SIDE EXHIBITS:** Nil

Additional District Munsif,

Sankarankovil