

In the Court of the District Munsif, Sathankulam.

Present. Thiru.M.Siva Rajesh, B.B.A.,L.L.B.,

District Munsif Sathankulam.

Judgement Reserved : 30.06.2026.

Judgement Pronounced : 04.07.2026.

O.S.No.59/2024

(CNR.No.TNTT100000912024)

Clement Sathish (Age 44),

S/o. Siluvaipichai,

Pothakalavilai, South Street,

Door No.5/185 Sasthavinallur Village,

Sathankulam Taluk, Thoothukudi District.

... Plaintiff

/Vs/

Yovan Arul Selvan (Age 62),

S/o. Santhana Nadar,

Pothakalavilai, South Street,

Sasthavinallur Village,

Sathankulam Taluk, Thoothukudi District.

... Defendant

Relief :-

The present suit has been filed by the plaintiff seeking a decree of permanent injunction restraining the defendant, his men, agents, or anyone claiming under him from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property, and relief of costs.

Advocate for the plaintiff : Mr.G.Rajan Subasis,

Advocate for the Defendant : Mr.K.Willin Felix,

Mr.G.Ramachandran,

JUDGEMENT

2. Case of the plaintiff :-

2.1 The plaintiff state that 1st suit schedule properties were originally devolved upon the his father, Mr. Siluvaipichai, vide registered Partition Deed document no : 419/1985 dated 01.06.1985 executed by his paternal uncle, Mr. Siluvai Thangam, registered in the office of the Sub-Registrar, Kommadikottai.

2.2 The plaintiff further state that suit schedule property described in the 2nd Schedule devolved upon his father, Mr. Siluvaipichai, vide registered Partition Deed document no : 625/1993 dated 15.02.1993 executed by Mr. Lourthu Nadar, son of Mr. Yovan Nadar, who was the paternal uncle his father, was registered in the office of the Sub-Registrar, Kommadikottai.

2.3 The plaintiff further state that in respect of the suit schedule properties, a joint patta bearing No.2366 stands in the name of his father, Mr. Siluvaipichai. It was stated that in the said joint patta, only the name "Siluvaipichai" has been mentioned, and the name of his father, Mr. Paranjothi Nadar, has been omitted due to an inadvertent mistake. The properties described in the 1st and 2nd Schedules form one contiguous block of land.

2.4 The plaintiff further state that his father, Mr. Siluvaipichai, died intestate on 30.04.2021, leaving behind his wife, Angel Amali, his daughters, Mariapoongodi, Maithili, Michael Ponsega and Stella Mary, and himself as his legal heirs. It was further stated that thereafter, pursuant to an oral family partition among the members of his family, the suit schedule properties were orally allotted and delivered to him. Ever since 30.04.2021, he has been in exclusive possession, control and enjoyment of the suit schedule properties.

2.5 The plaintiff further state that after the suit schedule properties came into his possession, and on 01.07.2024, fenced the suit schedule properties with barbed wire and has been openly and peacefully enjoying the same. It was stated that the suit schedule properties are vacant lands. The plaintiff further state that in the joint patta bearing No.2366 standing in the name of his father, the defendant's name has been mistakenly included.

2.6 The plaintiff alleged that from 25.08.2024 onwards, the defendant has been attempting to take advantage of the erroneous inclusion of his name in the computerized Joint Patta No.2366 standing in the name of the plaintiff's father by creating complications in the revenue records. It was further alleged that the defendant has also been making serious attempts to unlawfully remove the barbed-wire fence put up by the plaintiff around the suit schedule properties, to trespass into the suit schedule properties, and to interfere with the plaintiff's peaceful possession and enjoyment thereof.

2.7 The plaintiff further state that the defendant has never had any right, title, interest, possession or connection with the suit schedule properties at any point of time. Hence he has been constrained to institute the present suit.

3. Written statement of the defendant :-

3.1 The defendant denied the contention of the plaintiff.

3.2 The defendant state that the land measuring 39¼ cents out of a total extent of 58 cents comprised in Ayan Punjai Survey No.215/3A, measuring Hectare 0.23.5, situated in Sasthavinallur Village, Sathankulam Taluk, Thoothukudi District, namely the upper portion thereof, was purchased by him vide registered Sale Deed document no : 61/1999 dated 25.01.1999 executed jointly by Mr. Siluvaipichai, Mr. Siluvai Thangam and Mr. Celestine, the sons of Mr. Paranjothi Nadar, after receiving valid sale consideration, and registered in the office of the Sub-Registrar, Kommadikottai, and he has been in exclusive possession and enjoyment of the said extent of 39¼ cents as its absolute owner, and in respect of the said property, Joint Patta No.2366 has been issued in the revenue records of Sasthavinallur Village.

3.3 The defendant further state that the lower portion measuring 15 cents out of the total extent of 58 cents comprised in Ayan Punjai Survey No.215/3A, measuring Hectare 0.23.5, situated in Sasthavinallur Village, was settled by his mother, Mrs. Ponnammal alias Mariya Ponnammal, in favour of his sister, Mrs. Nirmala Devi, vide Settlement Deed document no : 668/2015 dated 10.07.2015, registered in the office of the Sub-Registrar, Kommadikottai, and the possession of the said property was also delivered to the settlee.

Pursuant thereto, Joint Patta No.2366 was issued in favour of Mrs. Nirmala Devi by the revenue authorities of Sasthavinallur Village.

3.4 The defendant further state that the plaintiff has absolutely no right, title, interest or connection with the suit schedule property. It was stated that the plaintiff's father, Mr. Siluvaipichai, together with his brothers, Mr. Siluvai Thangam and Mr. Celestine, had already sold the suit schedule property to the defendant and delivered possession thereof.

3.5 The defendant further state that the plaintiff has never, at any point of time, fenced the suit schedule property with barbed wire or openly enjoyed the same. It was further stated that, since the dispute between the parties relates to the title of the suit schedule property, the plaintiff ought to have sought the relief of declaration of title. Without seeking such declaratory relief, the plaintiff has filed the suit seeking only the relief of permanent injunction.

3.6 Considering the aforesaid submission, the defendant prays for dismissal of this suit.

4. On perusal of pleadings and materials on record, this court frame the following issues for adjudication :-

Issues:-

1. Whether the plaintiff is in possession of suit schedule property?
2. Whether the plaintiff is entitled to the relief of permanent injunction restraining the defendants/their men/their agents from interfering his possession in the suit schedule property?
3. Whether the plaintiff is entitled to relief of cost?
4. Whether the plaintiff is entitled to any other relief?

5. To claim the relief Plaintiff examined himself as P.W. 1, and marked Ex. A1 to Ex. A5. On the other hand, defendant examined himself as D.W. 1, Michael Rajareegam was examined as D.W. 2, and marked Ex. B1 to Ex. B7.

Points for determination :-

6. Issue no : 1 :-

(i) Whether the plaintiff is in possession of suit schedule property?

6.1 In a suit for permanent injunction simpliciter, the plaintiff must establish that he was in lawful and settled possession of the suit schedule property as on the date of institution of the suit.

6.2 The plaintiff traces his claim through Ex.A1 and Ex.A2, namely the registered Partition Deeds dated 01.06.1985 and 15.02.1993, under which his father, Mr. Siluvaipichai, is stated to have acquired rights over the suit schedule property. He has further produced Ex.A4, the Death Certificate of his father, and Ex.A5, the Legal Heir Certificate, to establish that after his father's demise on 30.04.2021, he became one of the legal heirs. According to the plaintiff, the suit schedule property was orally allotted exclusively to him in a family arrangement among the legal heirs, and ever since then he has been in exclusive possession and enjoyment. He further claims that he fenced the property with barbed wire on 01.07.2024.

6.3 Ex.A1 and Ex.A2 undoubtedly establish that the plaintiff's father had acquired rights under the said partition deeds. However, those documents merely disclose the source of title in favour of the plaintiff's father. Likewise, Ex.A4 and Ex.A5 establish only the death of the plaintiff's father and the identity of his legal heirs. None of these documents establish that the plaintiff came into exclusive possession of the suit schedule property after the death of his father.

6.4 The plaintiff also relies upon Ex.A3, namely Joint Patta No.2366. However, the plaintiff himself has pleaded that the defendant's name has been wrongly included in the said joint patta and that he proposes to take steps to remove the defendant's name and obtain an exclusive patta in his favour. Thus, Ex.A3 itself demonstrates that the revenue records do not stand exclusively in the plaintiff's favour. Therefore, Ex.A3 cannot be treated as a document conclusively establishing the plaintiff's exclusive possession over the suit schedule property.

6.5 Significantly, the plaintiff has not produced any documents evidencing actual possession, such as separate patta in his name, adangal, chitta, cultivation records,

photographs of the alleged fencing to establish that he was in settled possession of the vacant property on the date of institution of the suit. P.W. 1 has also admitted that he did not verify the encumbrance records before instituting the suit and that he had not produced the original title deeds.

6.6 Per contra, the defendant has specifically disputed the plaintiff's possession and has asserted that the suit schedule property has been in his possession ever since the registered Sale Deed dated 25.01.1999. In support of such plea, the defendant has produced Ex.B1 and Ex.B6, namely the certified copy and original of the registered Sale Deed dated 25.01.1999, besides Ex.B3 Survey Records, Ex.B4 Patta and Ex.B5 Land Tax Receipt. Though these documents are relied upon by the defendant primarily to establish his own title and possession, they also disclose that there exists a genuine and substantial dispute between the parties regarding the ownership and possession of the suit schedule property.

6.7 The evidence of D.W. 1 consistently supports the defendant's plea that the suit schedule property has always remained in his possession. Nothing substantial has been elicited in his cross-examination to discredit his testimony regarding possession.

6.8 It is well settled that where the suit property is a vacant site and both parties set up rival claims of title supported by registered documents, possession cannot be presumed merely on the basis of earlier title deeds. The plaintiff must independently establish his lawful and settled possession as on the date of the suit. In the present case, the plaintiff has failed to discharge that burden. His evidence regarding possession is inconsistent with his pleadings, unsupported by independent documentary or oral evidence, and rendered doubtful in the light of the rival documentary evidence produced by the defendant.

Accordingly, this Court is of the considered view that the plaintiff has failed to establish that he was in lawful and settled possession of the suit schedule property as on the date of institution of the suit.

Accordingly, Issue no : 1 is answered against the plaintiff.

7. Issue no : 2 :-

(ii) Whether the plaintiff is entitled to the relief of permanent injunction restraining the defendants/their men/their agents from interfering his possession in the suit schedule property?

7.1 In order to succeed in a suit for permanent injunction simpliciter, the plaintiff must establish that he was in lawful and settled possession of the suit schedule property as on the date of institution of the suit and that such possession was threatened or interfered with by the defendant.

7.2 As already concluded supra while answering Issue No.1, this Court has held that the plaintiff has failed to prove that he was in lawful and settled possession of the suit schedule property on the date of institution of the suit. Therefore, on that ground alone, the plaintiff is not entitled to the relief of permanent injunction.

7.3 The plaintiff traces his claim through Ex.A1 and Ex.A2, namely the registered Partition Deeds, and thereafter through an alleged oral family arrangement said to have taken place after the death of his father. Per contra, the defendant asserts an independent title under Ex.B1 and Ex.B6, namely the registered Sale Deed dated 25.01.1999, allegedly executed by the plaintiff's own father, Mr. Siluvaipichai, along with Mr. Siluvai Thangam and Mr. Celestine. The defendant has further relied upon Ex.B2 Settlement Deed, Ex.B3 Survey Records, Ex.B4 Patta and Ex.B5 Land Tax Receipt in support of his claim.

7.4 The plaintiff himself has pleaded that the defendant's name has been wrongly included in Joint Patta No.2366 and that he intends to take appropriate steps for deletion of the defendant's name and for issuance of a separate patta in his favour. Such pleadings themselves demonstrate that the revenue records are disputed and that the controversy between the parties extends beyond a mere allegation of interference with possession.

7.5 The defendant's claim is founded upon a registered conveyance allegedly executed by the plaintiff's own predecessor-in-title. Consequently, the plaintiff's assertion that the suit schedule property devolved upon him under an oral family arrangement necessarily depends upon the determination of the validity and legal effect of the rival title documents. Thus, the evidence on record unmistakably discloses rival and competing claims

of title, giving rise to a genuine and substantial cloud over the plaintiff's title.

7.6 At this juncture, it is apposite to refer to the principles laid down by the Hon'ble Supreme Court in **Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs. & Others, (2008) 4 SCC 594**. The Hon'ble Supreme Court has held that where there is only an interference with lawful possession and the title is not in dispute, a suit for bare injunction is maintainable. However, where the plaintiff's title is under a genuine cloud or where the defendant asserts a rival title raising a bona fide dispute requiring adjudication, the plaintiff ought to seek the relief of declaration of title along with consequential relief of injunction. The Hon'ble Supreme Court has further observed that a Court should not decide complicated questions of title incidentally in a bare suit for injunction when the dispute substantially relates to ownership.

7.7 Applying the aforesaid principles to the facts of the present case, this Court finds that the defendant has not merely denied the plaintiff's possession but has asserted an independent title under a registered Sale Deed allegedly executed by the plaintiff's own predecessor-in-title. The plaintiff, on the other hand, asserts title under earlier partition deeds and an alleged oral family arrangement. Thus, both parties have projected rival and competing titles supported by documentary evidence. The controversy, therefore, cannot be characterised as a mere dispute relating to possession but is fundamentally a dispute regarding title.

7.8 In such circumstances, this Court cannot incidentally adjudicate the rival claims of title while deciding a suit confined to the relief of permanent injunction. If the plaintiff intended to challenge the defendant's claim under Ex.B1 and Ex.B6 and establish that the suit schedule property exclusively belongs to him notwithstanding the rival documents, the proper course was to seek the relief of declaration of title along with the consequential relief of permanent injunction. Having consciously omitted to seek such declaratory relief, the plaintiff cannot indirectly obtain an adjudication upon the disputed title in the present suit.

Accordingly, in view of the plaintiff's failure to establish lawful possession and in view of the bona fide cloud over his title, this Court holds that the plaintiff is not entitled to

the relief of permanent injunction as prayed for.

Accordingly, Issue no : 2 is answered against the plaintiff.

8. Issue no : 3 :-

(iii) Whether the plaintiff is entitled to relief of cost?

8.1 Having regard to the facts and circumstances of the case, this Court is of the opinion that the plaintiff shall bear his own costs.

9. Issue no : 4 :-

(iv) Whether the plaintiff is entitled to any other relief?

9.1 In light of the facts of the case, this Court is of the view that no further or alternative relief need be granted.

As a result, suit was dismissed. No order as to costs.

Dictated to the Steno – Typist, typed by her, corrected, and pronounced by me in open court on this the 04th day of July 2026

Sd/-M.Siva Rajesh,
District Munsif
Sathankulam

Plaintiff side witness:-

1. P.W. 1- Clement Satheesh

Plaintiff side documents:-

1. Ex.A1 – Partition Deed document no : 419/1985 dated 01.06.1985 on the file of Sub-Registrar Office, Kommadikottai). (Certified Copy)
2. Ex.A2 – Partition Deed document no : 625/1993 dated 15.02.1993 on the file of Sub-Registrar Office, Kommadikottai). (Certified Copy)
3. Ex.A3 – Joint Patta standing in the name of the plaintiff's father in respect of the suit schedule properties. (Patta no :2366) (Computerized Copy)
4. Ex.A4 – Death Certificate of the plaintiff's father (Computerized Copy)
5. Ex.A5 – Legal Heir Certificate of the plaintiff's father_(Computerized Copy)

Defendant side witness :-

1. D.W. 1 – Yovan Arul Selvan
2. D.W. 2 – Michael Rajareegam

Defendant side documents:-

1. Ex.B1- Sale Deed document no : 61/1999 dated 25.01.1999 on the file of Sub-Registrar Office, Kommadikottai. (Certified Copy)
2. Ex.B2 – Sale Deed document no : 668/2015 dated 10.07.2025 on the file of Sub-Registrar Office, Kommadikottai. (Certified Copy)
3. Ex.B3 – Survey No.215/3A issued by the Zonal Deputy Tahsildar on 25.07.2006. (Original)
4. Ex.B4 – Patta relating to the suit schedule property. (Web downloaded Copy)
5. Ex.B5- Land Tax Receipt in respect to the suit schedule property (Original)
6. Ex.B6 – Sale Deed document no : 61/1999 dated 25.01.1999 executed by Mr. Siluvaipichai, Mr. Siluvai Thangam and Mr. Celestine, sons of Mr. Paranjothi Nadar, in favour of the defendant registered in the office of Sub-Registrar Office, Kommadikottai (Original)
7. Ex.B7 - Aadhaar card of P.W. 2(Compared with original) (Xerox)

Sd/-M.Siva Rajesh,
District Munsif
Sathankulam

District Munsif Court, Sathankulam, O.S.No.59/2024 Fair/Draft Judgment Dated : 04.07.2026
