



TNTU080000522025

Presented on : 03.04.2025
Registered on : 05.04.2025
Decided on : 18.03.2026
Duration : 11 Months, 13 days

IN THE COURT OF DISTRICT MUNSIF, VANIYAMBADI

Presided Over by THIRU. V. ESHWAR, B.E., L.L.B.,

OS.41/2025

CNR.No. TNTU080000522025

Plaintiffs:

1. Prema
2. Murugesan
3. Shanmugam
4. Shankar

Versus

Defendants:

1. Chinnammal,
2. Poongodi,
3. Vijayakanth,
4. Vignesh,
5. Tharun,
6. Egambaram,
7. Pushparaj,
8. Devendiran,
9. Dhanasekaran,
10. Venkatesan,
11. Kanaga,
12. Anbu,
13. Shanthi,
14. Alli Ammal,
15. Pushparani,
16. Subashkumar,



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17. Pushparaj,
18. Sathishkumar,
19. Rajendiran,
20. Ambika,
21. Palani,
22. Singaram,
23. Murugan,
24. Sakthivel,
25. Sarala,
26. Kuttima (a) Shanthi,
27. District Collector Tirupattur,
28. Tahsildar Vaniyambadi,
29. Village Administrative Officer Ilayanagaram,
30. Sub-Registrar Vaniyambadi.

Advocate for Plaintiffs: **K. RANJITHKUMAR**
Advocate for Defendants: D1 – D30 : SET EXPARTE

Claim: Suit for Possession and Permanent Injunction

JUDGMENT

(Delivered on 18.03.2026)

This suit has been filed seeking recovery of possession of alleged 0.27 cent of encroached land and permanent injunction against the defendants.

Summary of Complaint

2. The plaintiffs aver that their grandfather, late Panjan, purchased properties in Melkuppam Village, S.No. 10, totaling 1.76 acres through two registered sale deeds. The first deed, Document No. 1873/1987, was for an



extent of 1.32 acres. The second deed, Document No. 2565/1987, was for an extent of 0.44 cents.

3. The plaintiffs further aver that the family members of the defendants purchased adjacent lands in the same survey number totaling 10.00 acres through various sale deeds executed in the years 1984 and 1985. The plaintiffs allege that defendants 1 to 26 have illegally encroached upon an extent of 0.27 cents situated in S.No. 10/3A1 and 10/3B out of the plaintiffs' 1.76 acres.

4. Furthermore, the plaintiffs allege that the defendants are preventing the plaintiffs from drawing water from their borewell and are continuously interfering with their peaceful possession. The plaintiffs state that they issued a legal notice to the defendants on 26.02.2024. Following this, the defendants allegedly attempted to trespass into the plaintiffs' property with henchmen on 25.08.2024, prompting the 4th plaintiff to lodge a police complaint at the Vaniyambadi Rural Police Station.

5. The plaintiffs have prayed for a decree to recover possession of the 0.27 cents of the encroached land from defendants 1 to 26 and for a permanent injunction restraining the defendants from interfering with the plaintiffs' peaceful possession of the suit property.



Defendant's position

6. The defendants 1 to 21 did not appear before this Court to contest the suit, defendants 22 to 26 appeared through their counsels but did not file any written statement, and were consequently set ex-parte.

Point for determination

7. The following points for determination arises for consideration before this court;

1. Whether the plaintiffs are entitled to the relief of recovery of possession of the 0.27 cents of the suit property as prayed for?
2. Whether the plaintiffs are entitled to the equitable relief of permanent injunction against the defendants?
3. Whether the suit for mere possession and injunction is legally maintainable without a prayer for the declaration of title, especially when an encroachment is alleged?
4. To what other reliefs are the plaintiffs entitled?

Evidence Adduced

8. To substantiate the plaint averments, the 4th plaintiff examined himself as PW-1. In his chief examination, he reiterated the averments made in the



plaint regarding the origin of their title through the 1987 sale deeds and the alleged encroachment of 0.27 cents by the defendants.

9. On the side of the plaintiffs, 37 documents were marked as Ex.A1 to Ex.A37. These include the certified copies of the title deeds of both the plaintiffs and the defendants (Ex.A1 to Ex.A7), the legal notice sent to the defendants (Ex.A8), returned postal covers (Ex.A9 to Ex.A14), postal acknowledgment cards (Ex.A15 to Ex.A35), a copy of the police complaint (Ex.A36), and the guideline value downloaded from the computer (Ex.A37).

10. As the defendants were set ex-parte, there was no cross-examination of PW-1, and no oral or documentary evidence was adduced on the side of the defendants.

Arguments of the Parties

11. The learned counsel for the plaintiffs argued that the title of the plaintiffs to the 1.76 acres of land is clearly established through the registered sale deeds marked as Ex.A1 and Ex.A2. The counsel submitted that the documentary evidence, including the legal notices and the police complaint, unequivocally demonstrates the high-handed acts of the defendants in encroaching upon 0.27 cents of the plaintiffs' land and interfering with their



peaceful possession. The counsel prayed that since the evidence of PW-1 remains unchallenged, the suit must be decreed in favor of the plaintiffs.

12. The defendants being ex-parte, no arguments were advanced on their behalf.

Discussion and Reasons for Decision

13. The chronology of the undisputed facts, based on the documentary evidence, shows that the plaintiffs trace their title to the property through Doc No. 1873/1987 and Doc No. 2565/1987 , while the defendants derive their rights to adjacent properties through documents executed in 1984 and 1985.

14. The core dispute, though uncontested by the defendants, centers on the alleged encroachment of 0.27 cents of land out of the plaintiffs' total holding. The plaintiffs have valued the suit under Section 25(a) and 27(c) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. Under Section 25(a), the fee is computed where the prayer is for a declaration and for possession of the property to which the declaration relates. However, a perusal of the plaint shows that no declaratory relief has been sought; the plaintiffs have only prayed for recovery of possession.

15. The law is well-settled that where there is a boundary dispute or where the plaintiff's title is under a cloud, a bare suit for injunction or possession



without seeking a declaration of title is not legally maintainable. Since the plaintiffs allege an encroachment by adjacent landowners, it inherently raises a dispute regarding boundaries and title over the specific 0.27 cents. The failure to seek a declaration of title renders the present frame of the suit legally flawed.

16. Under Section 101 of the Indian Evidence Act, 1872, the burden of proof rests entirely on the plaintiffs to prove their case. The fact that the defendants are ex-parte does not absolve the plaintiffs of their primary burden to prove the encroachment with cogent and legally acceptable evidence.

17. The plaintiffs assert that 0.27 cents situated in S.No. 10/3A1 and 10/3B have been encroached upon. However, the plaintiffs have miserably failed to adduce any scientific or topographical proof to localize this encroachment. No Field Measurement Book (FMB) sketch was marked as an exhibit.

18. Crucially, the plaintiffs did not take any steps to appoint an Advocate Commissioner with the assistance of a Surveyor to measure the suit properties with reference to the title deeds and revenue records to pinpoint the exact location and extent of the alleged encroachment.

19. While the H-Schedule describes the boundaries of the alleged 0.27 cents of encroached land, mere averments in the plaint or the oral testimony of



PW-1 are insufficient to establish physical encroachment of a specific geographical area. The marking of Ex.A1 to Ex.A37 establishes the documentary chain of title and the issuance of notices, but it does not serve as proof of the physical factum of encroachment.

20. The Court cannot pass a decree for possession in a vacuum without identifying the exact localized extent to be handed over. A plaintiff must succeed on the strength of their own case and cannot capitalize on the weakness or absence of the defendants. Given the lack of a localized survey report and the absence of a prayer for declaration, the plaintiffs have failed to discharge their legal burden. Consequently, the plaintiffs have failed to prove their case.

Result

21. In the result, the suit is **dismissed**. Considering the fact that the defendants remained ex-parte, there shall be no order as to costs.

Directly typed by me in my official laptop, corrected and pronounced by me in the open court on this the 18 th day of March, 2026.

**District Munsif,
Vaniyambadi.**

APPENDIX

List of Witnesses Examined for the Plaintiffs:

- PW1 - Sankar

**List of Exhibits marked for plaintiffs**

Exhibit No.	Document Date	Document Details
Ex.A1	27.08.1987	Certified copy of document no. 1873/1987 executed by V. Jayabalan, S/o A.V. Venkatesa Mudaliar in favour of the Plaintiffs' paternal grandfather, the late Panchan.
Ex.A2	23.11.1987	Certified copy of document no. 2565/1987 executed by V. Jayabalan, S/o A.V. Venkatesa Mudaliar in favour of the Plaintiffs' paternal grandfather, the late Panchan.
Ex.A3	01.06.1984	Certified copy of the Sale Deed bearing document no. 1977/1984 executed by V. Sathyanarayanan, S/o A.V. Venkatesa Mudaliar, in favour of the 1st Defendant.
Ex.A4	11.07.1984	Certified copy of the Sale Deed bearing document no. 1978/1984 executed by V. Jayabalan, S/o A.V. Venkatesa Mudaliar, in favour of the late Rajamanikka Mandiri.
Ex.A5	01.09.1984	Certified copy of the Sale Deed bearing document no. 2100/1984 executed by V. Dhakshanamoorthy, S/o A.V. Venkatesa Mudaliar, in favour of Senthraja Mandiri.
Ex.A6	01.09.1984	Certified copy of the Sale Deed bearing document no. 2106/1984 executed by V. Dhakshanamoorthy, S/o A.V. Venkatesa Mudaliar, in favour of Senthraja Mandiri.
Ex.A7	13.05.1985	Certified copy of the Sale Deed bearing document no. 1115/1985 executed by V. Thiruvengadam, S/o A.V. Venkatesa Mudaliar, in favour of Kuttiyammal, W/o Senthraja.
Ex.A8	26.02.2024	Office copy of the Legal Notice issued by the Plaintiffs to the Defendants through their Advocate.



Ex.A9	01.03.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 1st Defendant, along with the postal cover.
Ex.A10	29.02.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 2nd Defendant, along with the postal cover.
Ex.A11	29.02.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 3rd Defendant, along with the postal cover.
Ex.A12	29.02.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 4th Defendant, along with the postal cover.
Ex.A13	29.02.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 5th Defendant, along with the postal cover.
Ex.A14	01.03.2024	Original Legal Notice issued by the Plaintiff, returned by the postal department as "unclaimed" by the 9th Defendant, along with the postal cover.
Ex.A15	28.02.2024	Postal Acknowledgement Card for receipt by the 6th Defendant.
Ex.A16	28.02.2024	Postal Acknowledgement Card for receipt by the 7th Defendant.
Ex.A17	28.02.2024	Postal Acknowledgement Card for receipt by the 8th Defendant.
Ex.A18	28.02.2024	Postal Acknowledgement Card for receipt by the 10th Defendant.
Ex.A19	28.02.2024	Postal Acknowledgement Card for receipt by the 11th Defendant.
Ex.A20	28.02.2024	Postal Acknowledgement Card for receipt by the 12th Defendant.



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Ex.A21	28.02.2024	Postal Acknowledgement Card for receipt by the 13th Defendant.
Ex.A22	28.02.2024	Postal Acknowledgement Card for receipt by the 15th Defendant.
Ex.A23	28.02.2024	Postal Acknowledgement Card for receipt by the 16th Defendant.
Ex.A24	28.02.2024	Postal Acknowledgement Card for receipt by the 17th Defendant.
Ex.A25	28.02.2024	Postal Acknowledgement Card for receipt by the 18th Defendant.
Ex.A26	28.02.2024	Postal Acknowledgement Card for receipt by the 19th Defendant.
Ex.A27	28.02.2024	Postal Acknowledgement Card for receipt by the 20th Defendant.
Ex.A28	28.02.2024	Postal Acknowledgement Card for receipt by the 21st Defendant.
Ex.A29	28.02.2024	Postal Acknowledgement Card for receipt by the 22nd Defendant.
Ex.A30	28.02.2024	Postal Acknowledgement Card for receipt by the 23rd Defendant.
Ex.A31	28.02.2024	Postal Acknowledgement Card for receipt by the 24th Defendant.
Ex.A32	29.02.2024	Postal Acknowledgement Card for receipt by the 26th Defendant.
Ex.A33	28.02.2024	Postal Acknowledgement Card for receipt by the 27th Defendant.
Ex.A34	28.02.2024	Postal Acknowledgement Card for receipt by the 28th Defendant.



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Ex.A35	28.02.2024	Postal Acknowledgement Card for receipt by the 29th Defendant.
Ex.A36	24.08.2024	Office copy of the complaint petition filed by the Plaintiff against the Defendants at Vaniyambadi Rural Police Station.
Ex.A37	23.08.2024	Computer printout of Guideline Value.

List of Witnesses Examined for the Defendants: Nil

List of Exhibits Marked for the Defendants: Nil

**District Munsif,
Vaniyambadi.**