

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI,

**Present: Thiru V.ESHWAR, B.E.,LL.B.,
DISTRICT MUNSIF, VANIYAMBADI**

Dated this the 20th day of August, 2025

I.A. No. 2 of 2023

in

O.S. No. 56/2023

V.K. Dharmaraj

... Petitioner

Vs.

A. Senthil Kumar

... Respondent

This petition came on for final hearing before me on 20.08.2025 upon hearing the arguments of Mr. K. Umar, learned counsel for the Petitioner, and Mr. R.V. Varadarajan, learned counsel for the Respondents, and upon perusing the petition, the accompanying affidavit, the counter, the documents, and all other materials on record, this court doth pass the following:

ORDER

1. This is an application filed by the Petitioner/Plaintiff under Order XXXIX, Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, praying for an order of ad-interim injunction restraining the Respondent/Defendant, his men,

agents, and servants from interfering with the Petitioner's peaceful possession and enjoyment of the property described in the schedule annexed hereto (hereinafter referred to as the "suit property"), pending the disposal of the main suit.

Averments of the Petitioner/Plaintiff in brief:

2. The case of the petitioner, in essence, is that the suit property originally belonged to the respondent's late father, R. Arumugha Chettiyar. In 2007, the petitioner took possession of the said property, which was then a dilapidated site, under an oral agreement for the purpose of running a business of procuring and selling old gunny bags. It is averred that the petitioner, at his own expense of Rs. 4,00,000/-, cleaned the site, raised four walls, and erected a cement sheet roof. The terms of the tenancy, as pleaded, commenced with an advance of Rs. 75,000/- and a monthly rent of Rs. 400/-, which was subsequently increased to Rs. 600/- in 2011. The petitioner contends that he has been paying the rent without default. After the demise of the original owner and his wife in 2017, the petitioner, upon the instructions of all legal heirs, continued to pay the rent to the respondent herein. The petitioner further alleges that the respondent is now attempting to forcibly evict him under the false pretext of a demolition notice from the Vaniyambadi Municipality, dated 06.06.2023, claiming the property is in a dangerous condition. The petitioner asserts that the building is, in fact, in good condition and that this is

a mere ruse to unlawfully dispossess him. Fearing illegal eviction by the respondent, who is alleged to possess money and manpower, the petitioner has filed the present suit and this application, claiming a prima facie case, balance of convenience, and the risk of irreparable injury.

Averments of the Respondent/Defendant in his Counter in brief:

3. Per contra, the respondent, while admitting the tenancy, vehemently denies the petitioner's version of its inception and terms. The respondent refutes the claim that the petitioner constructed the structure on the suit property at his own expense, maintaining that the petitioner is merely a tenant in a pre-existing, dilapidated structure. The payment of an advance of Rs. 75,000/- is also expressly denied. The respondent's primary contention is that the suit property is indeed in a ruinous and dangerous state, posing a threat to human life. It is asserted that the Vaniyambadi Municipality has, in fact, issued a directive to the respondent to demolish the said structure immediately to avert a potential calamity. The respondent characterises the petitioner's allegations of a forcible eviction plan as imaginary and self-serving. It is submitted that the present suit is a speculative and preemptive action initiated by the petitioner to thwart the respondent from taking lawful steps for eviction. The respondent argues that the petitioner has suppressed material facts and has not

approached the Court with clean hands, thereby disentitling him to the equitable relief of injunction.

Points for Consideration:

4. Based on the rival contentions, the following points arise for consideration in this application:
 - i. Whether the Petitioner/Plaintiff has established a **prima facie case** to be tried?
 - ii. In whose favour does the **balance of convenience** lie?
 - iii. Whether the Petitioner/Plaintiff will be put to **irreparable injury** if the injunction is not granted?

Discussion and Findings:

5. This Court has paid its anxious consideration to the submissions made by the learned counsel on either side and has meticulously perused the case records.

Point No. (i):

6. It is the well-settled proposition of law, enunciated by the Hon'ble Apex Court in a catena of decisions, including **Dalpat Kumar v. Prahlad Singh, (1992) 1 SCC 719**, that the party seeking the equitable relief of temporary injunction must first

satisfy the Court that there is a serious question to be tried in the suit and that there is a probability of him being entitled to the relief sought. This is the essence of a prima facie case.

7. In the instant case, the fundamental relationship of landlord and tenant between the parties is an admitted fact. The respondent, in his counter, unequivocally states, "He is only a tenant in occupation of a suit property." It is also not in dispute that the petitioner is in physical possession of the suit property and is carrying on his business therein. The law jealously guards possession. A person in settled possession of a property, even if he is a tenant, cannot be dispossessed otherwise than by due process of law.
8. The primary defence raised by the respondent revolves around a purported notice from the Vaniyambadi Municipality directing the demolition of the structure. The petitioner alleges this is a mere pretext, while the respondent asserts it is a legal mandate. The authenticity and legal enforceability of this notice, and whether the building is truly in a dilapidated condition as claimed, are triable issues that require evidence to be adduced during the trial of the suit. At this interlocutory stage, this Court cannot conduct a mini-trial to render a definitive finding on these disputed facts.

9. However, the very threat of dispossession, under the colour of a municipal notice, without recourse to a competent court of law for eviction, is sufficient to constitute a cause of action. A landlord cannot be permitted to take the law into his own hands and use a municipal directive as a tool to bypass the statutory procedures for eviction prescribed under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The petitioner's right not to be forcibly evicted is a strong, legally cognizable right. Therefore, this Court finds that the petitioner, being an admitted tenant in settled possession, has successfully established a strong prima facie case for the grant of an injunction.

Point No. (ii) & (iii):

10. These two points are intrinsically linked and are taken up for discussion together. The Court must weigh the inconvenience and injury that the petitioner would suffer if the injunction is refused against the inconvenience and injury that the respondent would suffer if the injunction is granted.
11. If the injunction is refused, the respondent might proceed with the demolition, either by himself or through municipal authorities. This would result in the petitioner's immediate and forceful dispossession from the premises. The petitioner has pleaded that he earns his livelihood from the business conducted in the suit

property. The destruction of his place of business would lead to a complete cessation of his income, causing immense hardship. The loss of goodwill, business continuity, and the very structure he claims to have built would constitute an injury that cannot be adequately compensated in terms of money. The very subject matter of the suit would be destroyed, rendering the entire legal exercise futile. This injury is, by its very nature, irreparable.

12. Conversely, if the injunction is granted, the respondent is merely restrained from interfering with the petitioner's possession *otherwise than by due process of law*. The respondent's right to initiate appropriate eviction proceedings before the competent Rent Court on any legally permissible ground, including the dilapidated condition of the building, is not curtailed by this order. The only "inconvenience" to the respondent is the delay in demolishing the building. While the respondent raises concerns about public safety, his remedy is to pursue the matter legally and expeditiously, not to resort to self-help.
13. On balancing the competing interests, it is clear that the hardship, injury, and inconvenience that would be caused to the petitioner by refusing the injunction are far greater and more severe than the inconvenience that would be caused to the respondent by granting it. The balance of convenience, therefore, tilts decidedly in

favour of the petitioner. The injury he is likely to suffer is indeed irreparable. These points are accordingly answered in favour of the petitioner.

14. In the light of the foregoing discussion and the findings on the points for consideration, this Court is of the considered view that the petitioner has satisfied all three cardinal principles for the grant of a temporary injunction.

Result:

15. In the result, this Interlocutory Application is **allowed**. An order of ad-interim injunction is hereby granted restraining the Respondent/Defendant, his men, agents, servants, or anyone claiming under him from interfering with the Petitioner/Plaintiff's peaceful possession and enjoyment of the suit schedule property, **otherwise than by due process of law**, pending the disposal of the main suit.
16. There shall be no order as to costs in this application.

Directly typed by me in my official laptop, corrected by me, and pronounced in open court, this the 20th day of August, 2025.

**DISTRICT MUNSIF,
VANIYAMBADI.**

ANNEXURE:

Petitioner side Witness: Nil

Petitioner side documents: Nil

Respondent side Witness: Nil

Respondent side documents: Nil

**DISTRICT MUNSIF,
VANIYAMBADI.**