

IN THE COURT OF THE DISTRICT MUNSIF,VANUR

PRESENT: Thiru.D. PONVENTHAN, B.Tech., M.L.,

DISTRICT MUNSIF, VANUR.

Wednesday the 18th day of March 2026.

I.A.No.02/2026

in

O.S.No.47/2020

Sivakumar.

... Petitioner/1st Defendant

- Vs -

1. Muthukumar.

... Respondent/Plaintiff

2. The District Collector, Villupuram.

3. The Tahsildar, Vanur.

4. The Block Development Officer, Thiruchitrambalam.

... Respondents/2 to 4 Defendants.

This petition came before me for final hearing on today 18.03.2026 in the presence of Mr.V.Anandavijayan, Counsel for Petitioner/Defendant No.1 and Mr.M.Munusamy, Counsel for 1st Respondent/Plaintiff and on hearing the petitioner and on perusing the entire records, this court passes the following:

ORDER

1. The instant petition is filed under Order XVI Rule 1 of Code of Civil Procedure seeking for issuance of summons to the Tahsildar of Vanur, and to direct him to depose before this court with all revenue records with respect to Survey No.544/2013.

2.PETITION IN CRUX:-

The Respondent/Plaintiff has filed the original suit stating that the disputed lane belongs to the respondent/plaintiff and to his brothers. The instant petitioner has filed written statement and contesting the suit stating the said lane as common lane. The respondent/plaintiff side evidence was completed and subsequently DW-1 & DW-2 were examined on the side of the instant petitioner and the case is pending for further evidence on the side of the Petitioner/Defendant No.1. The issue that has to be decided in the suit is to ascertain whether the disputed lane is common lane or private lane of respondent/plaintiff and his brothers. The revenue records with respect to Survey No.544/2013 is necessary record so as to ascertain whether the disputed lane is common lane or private lane. The Tahsildar of vanur was arrayed as defendant in the suit and he has gone exparte. Hence the petition to summon the Tahsildar of vanur to appear before this court with necessary records and to adduce evidence.

3. The 1st respondent/plaintiff has not filed counter. All other respondents were set exparte in main suit. Heard petitioner side. Records perused.

4. POINT TO DETERMINE:

The issue that has to be decided in this petition is that whether the instant petition can be allowed or not ?

5. DISCUSSION:

5.1) On perusal of records it reveals that, the original suit was filed seeking for the relief of bare injunction restraining the Defendants No.1 to 4 from disturbing the

plaintiff's peaceful possession over the lane which according to plaintiff belongs to the plaintiff. The instant suit was pending for adducing further evidence on the side of the defendant. The petitioner has stated that, the revenue records are necessary to ascertain whether the disputed lane is common lane or private lane and in order to prove the same, the petitioner has sought for summoning the Tahsildar of Vanur.

5.2) In a suit for bare injunction, it is the duty of the plaintiff to produce the relevant documents to establish his case. In the case in hand, it is the case of the respondent/plaintiff that, the disputed lane belongs to the plaintiff and his brothers and not a common lane. On the other hand, it is the case of the defendant that, the disputed lane is a common lane. As per law, the burden of proof lies only on the plaintiff to prove the disputed lane as private lane and the burden of proof doesn't lie on the defendant. Even if the defendant wishes to prove that the disputed lane is common lane, the instant petitioner/defendant has to prove the same through necessary revenue records and the appearance of Tahsildar is not necessary. The petitioner can very well obtain the necessary revenue records from the Revenue Department and can file the same before this court. Also, nowadays, the revenue records are very well in online and it is feasible for the instant petitioner to obtain the relevant revenue records and to produce the same before this court so as to prove his contention.

5.3) The Hon'ble Madras High Court and Hon'ble Supreme Court of India has time again reiterated that, the court should not insist the appearance of executives

unnecessarily. In the case in hand, this court opines that, the appearance of Tahsildar of Vanur is not necessary to adjudicate the original suit. Based on the above discussions this court is not satisfied with the reasons stated by the petitioner and inclined to the dismiss this petition and accordingly dismissed.

6. In the result, this petition is dismissed. No Costs.

Dictated to the Steno-Typist and typed by him directly in computer, then corrected and pronounced by me in the open Court on this the 18th day of March 2026.

**District Munsif,
Vanur.**

Documents filed by the Petitioner/1st defendant: NIL

Documents filed by the Respondent/Plaintiff: NIL

**District Munsif,
Vanur.**