



S.A.No.482 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.12.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

S.A. No. 482 of 2014
and M.P.No.1 of 2014

1. Senniappan (died)
S/o. Late Kaliappan,
No. 5/802, Veppadai,
Elanthakuttai Village,
Tiruchengode Taluk,
Namakkal District.

2. Saraswathi

3. Anbarasu

4. Manivannan

5. Nanthakumar

... Appellants

sole appellant died. A2 to A5 are brought on record as legal heirs of the deceased sole appellant vide court order dated 16.09.2025 made in CMP.Nos.7275, 7277 & 7279 of 2019 in S.A.No.482 of 2014 (ADM CJ)

Vs.

1.S.M. Rajappan (died)
S/o. Muthu gounder.



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2.R. Ravichandran,
S/o. S.M. Rajappan,
Both are residing at Makkiripalayam,
Kadenkadu, Sowthapuram Village,
Tiruchengode Taluk,
Namakkal District.

3. J.Kanagandhi

4. J.Sangeetha

5. J.Sreepreethi

...Respondents

R1 died. R3 to R5 are brought on records as legal heirs of the deceased R1 vide Court order dated 16.09.2025 made in CMP.No.2984 of 2021 in S.A.No.482 of 2014 (ADMCJ)

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure praying to set aside the judgment and decree dated 06.02.2014 made in A.S. No. 16 of 2013 on the file of the learned Sub Court, Tiruchengode confirming the judgment and decree dated 04.06.2013 made in O.S. No. 22 of 2005 on the file of the learned Additional District Munsif Court, Tiruchengode by allowing this Second Appeal before this Honourable Court with costs throughout and thus render justice.

For Appellant : Mr. N.Manokaran

For Respondents : R1 – Died

Mr.S.Kaithamalai Kumaran
for R2 to R5



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J U D G M E N T

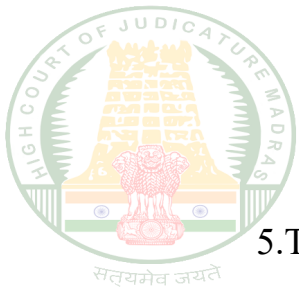
Heard.

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2.This Second Appeal is directed against the concurrent dismissal of the suit for bare permanent injunction in O.S. No.22 of 2005 by the learned Additional District Munsif, Tiruchengode, which was confirmed in A.S. No.16 of 2013 by the learned Subordinate Judge, Tiruchengode.

3.The suit property pertains to Survey No.182/1 situated at Elanthakuttai Village, Tiruchengode Taluk, Namakkal District. The original first plaintiff was one Sellammal (since deceased) and the present appellant is her son, who was arrayed as the second plaintiff before the trial Court. The respondents herein are the original defendants in the suit.

4.For the sake of convenience, the parties are referred to as arrayed in the suit.

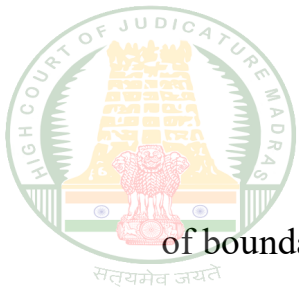


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5.The suit before the Trial Court was one for bare permanent injunction. The plaintiff claimed to be in lawful possession of a house-site in Survey No.182/1, asserting that although his registered sale deed dated 16.06.1975 (Ex. A1) recited an extent of only 1,575 sq.ft., the four boundaries mentioned therein actually enclosed an extent of 3,231 sq.ft. He claimed to have constructed a tiled house and compound wall within the alleged larger extent and relied upon patta, adangal extracts and tax receipts to establish possession. According to the plaintiff, the defendants, who owned adjacent lands in the same survey number, attempted to encroach upon the suit property, attempted measurement and put up constructions, giving rise to the present cause of action.

6.The defendants resisted the suit by filing a detailed written statement. They admitted the plaintiff's purchase under Ex. A1 only in respect of 1,575 sq.ft. and contended that the plaintiff's vendor had no title to convey any extent in excess thereof. They traced their title to a sale deed dated 20.08.1965 under Ex.B1 and other subsequent documents and asserted ownership and possession of about 1,656 sq.ft. and more in the same survey number. According to them, the plaintiff was attempting to encroach upon their land by expanding his claim under the garb

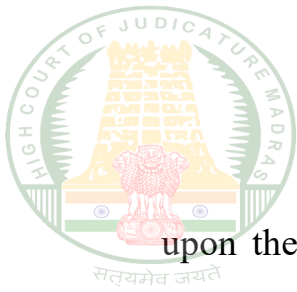


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of boundaries. They further contended that patta and revenue records do not confer title and that a mere suit for injunction was not maintainable in the absence of a prayer for declaration in the face of serious title dispute and identity of property.

7.The Trial Court framed appropriate issues and both parties let in oral and documentary evidence. An Advocate-Commissioner was appointed with the assistance of a Surveyor and the report and sketch were marked as Ex.C1 and Ex.C2. The Commissioner found that the extent under occupation of the plaintiff did not tally with 3,231 sq.ft. and that the excess portion claimed overlapped the defendants' land.

8. On appreciation of the evidence, the Trial Court held that the plaintiff failed to produce any antecedent title deeds of his vendor explaining how an extent beyond 1,575 sq.ft. was conveyed. On the contrary, the defendants established prior title under Ex.B-series documents. The Court also held that revenue records merely indicate possession and do not confer title. It relied on the principle that boundaries do not invariably prevail over extent, particularly where it prejudices third parties holding independent title. The Trial Court further relied



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upon the judgment in **Anathula Sudhakar v. Buchi Reddy(Dead) by L.Rs. &**

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Others, (AIR 2008 SC 2033) and held that where title is under serious cloud, a mere suit for injunction is not maintainable. Accordingly, the suit was dismissed.

9.The First Appellate Court independently re-appreciated the evidence and confirmed the findings. It held that once Ex.A1 itself clearly specifies the measurements as 45 ft × 35 ft = 1,575 sq.ft., the plaintiff cannot expand his claim to 3,231 sq.ft. by relying on vague boundary descriptions.

10.The Appellate Court further found that pattas were issued mechanically without reference to Ex.A1 and therefore cannot override registered title deeds. It also noticed inconsistency in the adangal entries. The Court further found that house-tax assessments and electricity connection were obtained only around 2010, much after the institution of suit, and hence did not establish settled possession as on the date of suit.

11.The Appellate Court relied upon the decision in **Dina Malar Publications v. Tiruchirappalli Municipality, (1984) 2 MLJ 306** and affirmed



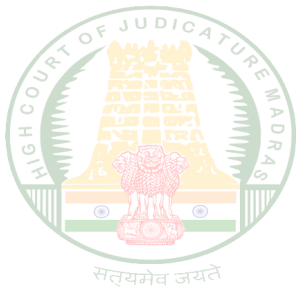
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that when extent is clearly specified, the boundary principle will not enlarge title, particularly when it encroaches upon another's land. The appeal was dismissed confirming the Trial Court's decree.

12.The appellant primarily argued on the principle that boundaries prevail over extent and said that the courts below failed to appreciate the evidence in the proper perspective.

13.As regards the rule that boundaries prevail over extent is not absolute. The intention of parties gathered from the document as a whole prevails. Ex.A1 is a conveyance of a small house-site with exact linear measurements. Therefore, the extent alone governs and the plaintiff cannot claim excess land under vague boundaries at the cost of others.As regards the revenue entries do not override registered conveyances. There is no perversity or misapplication of legal principle.

14.Both courts have correctly applied the law laid down in **Anathula Sudhakar's case (cited supra)**. The plaintiff cannot avoid filing a declaratory suit when serious title dispute exists and instead seek injunction simpliciter.



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WEB COPY 15. In the result, the Second Appeal fails and is dismissed at the admission stage itself. Connected miscellaneous petitions, if any, are closed.

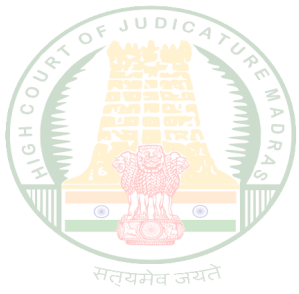
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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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DR. A.D. MARIA CLETE, J

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To

- 1.The Assistant City Civil Court,
Chennai.
- 2.The VI Additional City Civil Court,
Chennai.
- 3.The Section Officer,
V.R.Section,
High Court of Madras.

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