

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 03.01.2024

Time : 05.35 P.M.

Name : Mrs.Hemalatha (DW 1)

Age : 43 Years

Father's Name : Late Mr.Krishnamoorthy

Office Address :Special Tahsildar (LA & M),
Highways Department, Sinkaravelar Maligai,
Chennai – 600 017.

Chief Examination by Dr.S.Suriya, Addl.Govt. Pleader, the learned counsel for the defendant 1 to 6.

Solemnly affirmed:

Ex.D6 is the Online printout towards the Extract from the Town Survey Land Register for the Land in T.S.No.27 in Block No.43 (Highways Land). (QR Code Available) (Subject to objection).

Ex.D7 is the Report of 3rd Defendant bearing Na.Ka.No.A2/2728/2019 dated 05.02.2020.

Time: 05.45.P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 12.09.2024

Time : 12.40 P.M.

Name : Mrs.Hemalatha (DW 1)

DW1 Cross Examination by Mr.R.Subramaniam, the learned counsel for the Plaintiff.

Solemnly affirmed:

Q1: What is your name?

A: My name is Hemalatha.

Q2: What is your designation and where you are working?

A: Special Thasildhar, Land Acquisition, Special DRO Office, Guindy.

Q3: When did you join in the above said Office?

A: 11.10.2023.

Q4: Is it right to state that you did not know case details personally, but you know the details through records?

A: Yes, I know the case details through records.

Q5: Do you know where the suit property is situated?

A: Koyambedu.

Q6: Do you know the total extent of the suit property?

A: I do not know exactly approximately acquired portion is 53.0 Sq.meters.

Q7: Is it right to state that suit property is situated at Survey No.121, Grama Natham Village Koyembedu?

A: Yes. Old Survey Number 121.

Q8: Do you know the new survey number relates to the old survey number 121?

A: Town Survey No.93/2 is the new survey number.

Q9: Do you know the fact that the Advocate Commissioner has been appointed and the Advocate Commissioner had visited the suit property and submitted report this Court?

A: I came to know the appointment of Advocate Commissioner through record.

Q10: Ex.D6 is shown to the witness. What is the document relates to?

A: Town Survey Land Record Extract.

Q11: In what Survey Number Ex.D6 relates to?

A: T.S.No.27. Block No.43.

Q12: Whether Block No.43 has it been mentioned in Ex.D6?

A: Yes.

Q13: What are all the corresponding old survey numbers mentioned in Ex.D6?

A: 135 Part, 131/1, 130/2B1 A1 A2 part, 132/2B Part, 132/3A Part, B2 Part, 132/C Part, 3D Part, 3E Part.

Q14: Whether any mentioning about old survey No.121 in Ex.D6?

A: No. It is not there.

Q15: Is it right to state that in T.S.No.27 extract old survey 121 is not there?

A: Yes.

Q16: Is it right to state that the suit property situated in T.S.No.93/2?

A: Yes.

Q17: Is it right to state that you have filed the copy of the Koyembedu A Register?

A: Yes. Copy of the Koyembedu A Register is marked as Ex.P37.

Q18: Is it right to state that you have attested the copy of the Koyembedu A Register?

A: No, I have not attested. It was attested by Regular Thasildhar (Aminjikarai Taluk).

Q19: See what is the last corresponding entry in Survey No.121 Column 12 of the copy of the Koyembedu A Register Ex.P37?

A: Grama Natham.

Q20: Ex.C3 Advocate Commissioner Report is shown to the witness. In that Ex.C3 page 5, notice sent by Special Officer Town Survey South Chennai to Plaintiff's mother Gokilambal. Is it right?

A: Yes.

Q21: In that notice what is the extent, what is the T.S.No., what is the old survey number and what is the name of the party to whom notice was sent?

A: Extent – 150 Sq.Meter, T.S.No.93, Old Survey No.121 Part. The Party name is Gokilambal wife of Rajendran.

Time: 01.20 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 26.11.2024

Time : 01.30 P.M.

Name : Mrs.Hemalatha (DW 1)

DW1 Cross Examination Continuation by Mr.R.Subramaniam, the learned counsel for the Plaintiff.

Solemnly affirmed:

Q22: Ex.P11 is shown to the witness. Is it the notice sent by the Settlement Officer to the Plaintiff's mother?

A: Yes.

Q23: In Ex.P11 what is the measurement of land and T.S. Number and corresponding old survey number and extent are mentioned?

A: T.S.No.93. Old Survey Number 121 part. Extent 150 Sq.mt.

Q24: Do you know the difference between grama natham and porampoku land?

A: To my knowledge Grama Natham is also a government land.

Q25: Ex.P1 (Sale deed) is shown to the witness. What is mentioned in Ex.P1, bottom of page 1?

A: It is mentioned as natham Land sale deed.

Q26: Ex.P1 (Sale deed) is shown to the witness. In the second page, it is mentioned as 'SUROTRIYAM KOYEMBEDU VILLAGE'. Do you know what is mean by surotriyam?

A: I do not know.

Q27: Do you know the meaning of Minor Inam?

A: Land gifted to the kudimakkal.

Q28: Do you know the Minor Inam abolition act 1963?

A: I do not know.

Q29: On the basis of Minor Inam abolition act the lands acquired from the Jamindar's and Raja's, that lands are allotted to the persons those who are in the possession of the lands. Do you know about it?

A: I do not know.

Q30: I put it to you that like Minor Inam abolition act the SUROTHIRAM also lands allotted to group of people?

A: I do not know.

Q31: Ex.P2 is shown to the witness. In Ex.P2 the land is mentioned as Natha Kollai Land. Is it correct?

A: Yes.

Q32: In Ex.P2 the description of the property is mentioned as the property is Natham Land?

A: Yes.

Q33: Ex.P3 is shown to the witness. In the schedule the land is described as Grama Natham Survey No.121. Is it correct?

A: Yes.

Q34: Ex.P4 is shown to the witness. Extract from village register 101 Koyambedu Village. In the 3rd page survey number 121 land mentioned as Grama Natham. Is it correct?

A: Yes. It is mentioned in column 12 as grama natham. Colum 3 and 4 it is mentioned as Sarkar Porampoku.

Time: 01.55 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 10.12.2024

Time : 03.15 P.M.

Name : Mrs.Hemalatha (DW 1)

DW1 Cross Examination Continuation by Mr.R.Subramaniam, the learned counsel for the Plaintiff.

Solemnly affirmed:

Q35: Did you give instruction to the Advocate for filing written statement?

A: Yes. I only given instruction to prepare the written statement.

Q36: When did you joined as Special Thasildhar (Land Acquisition Highways)?

A: 11.10.2023.

Q37: Written Statement has been signed on 10.09.2023. Is it correct?

A: Yes.

Q38: On which date you have given instructions to the counsel?

A: I was earlier in the post of Special Thasildhar, Thiruvotriyur. Amjikarai Unit was also under my control. At that time I have given instruction.

Q39: 3rd Defendant has signed the proof affidavit on 25.11.2022. Did you give instructions to the counsel for filing the proof affidavit?

A: Yes. I gave instructions.

Q40: So, the contents of the proof affidavit are correct?

A: To my knowledge it is correct.

Q41: Did you go through the documents filed along with the plaint and the documents filed at the time of evidence by the plaintiff before giving instructions?

A: I do not remember to have seen the documents filed by the plaintiff.

Q42: Para 4 of Proof affidavit is shown to the witness. Have you not stated that plaintiff has not filed death certificate or legal heirship certificate to show that he is the only legal heir?

A: Yes. Because they have not submitted any documents.

Q43: Have you seen this documents filed by the plaintiff side and it has been marked as Ex.P10 (Death Certificate of Rajendran), Ex.P15 (Death Certificate of Kokilambal) and Ex.P16 (Legal heirship of Kolilambal)?

A: I am seeing this document only now.

Q44: Therefore I put it to you that without even perusing the documents you have stated that plaintiff has not filed any death certificate or legal heirship certificate to show that he is the only legal heir to succeed to the estate of Rajendran and Kokilambal?

A: I deny.

Q45: Page 4 para 7 of the proof affidavit is shown to the witness. In para 7 of the proof affidavit you have stated that eviction proposed is only in respect of encroachment made in T.S. No.27 Block No.43?

A: Yes.

Q46: You have also further stated in that paragraph with reference to T.S.No93/2 Block no .42 correlated to old survey no.121 you have no proposal to evict the plaintiff. Is it correct?

A: Yes.

Q47: What is the extent in T.S.No.27?

A: I do not know the accurate extent. But we have filed the Patta copy.

Q48: All the defendants exhibits are shown to the witness. In which exhibit the patta copy is marked as defendant's side document?

A: Ex.D6.

Q49: Ex.D6 is an extract from the Town Survey Land register and it is not a patta copy. Is it right?

A: I have mentioned this document only as patta.

Q50: Is it correct to state that Ex.D6 pertains to T.S.No.27?

A: Yes.

Q51: What is the corresponding old survey numbers mentioned in Ex.D6 for T.S.No.27?

A: 135 part 131/1, 130/2B1, A1, A2 A part, 132 2B part, 132/3 A part. B2 part. 132/3C part, 3D part, 3E part.

Q52: Is it correct to state that in the Plaintiff schedule Suit property is mentioned in survey number 121?

A: Yes.

Q53: So, 121 is not mentioned in Ex.D6?

A: Not found in this document.

Time: 04.00 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 12.06.2025

Time : 03.30 P.M.

Name : Mrs.Hemalatha (DW 1)

DW1 Cross Examination Continuation by Mr.R.Subramaniam, the learned counsel for the Plaintiff.

Solemnly affirmed:

Q54: Proof affidavit is shown to the witness. Is this the proof affidavit signed by you?

A: Yes.

Q55: Refer para 13 of your proof affidavit and say whether the contents are correct?

A: Yes.

Q56: So according to you, you are proceedings only against T.S.No.27?

A: Yes.

Q57: Refer para 16 of your proof affidavit and say whether the contents are correct?

A: Yes.

Q58: Is it correct that in para 16 you have stated that land in T.S.No.27 is classified as Highways land as per the Town Survey Register?

A: Yes.

Q59: For what purpose the property of the plaintiff and others property was sought to be proceeded against by the defendant?

A: For formation of road.

Q60: Have you given notice to other land owners also and proceeded against them?

A: Yes. They have handed over possession.

Q61: In para 21 of proof affidavit you have stated that except the plaintiff all other encroachers have demolished their encroached portion and handed over possession. In support of this have you filed any document?

A: No. But we have filed the notice copy.

Q62: Have you filed the notice copy and marked the document before this Court?

A: We have filed the demolished property photocopies.

Q63: Ex.D1 to Ex.D6 are shown to the witness. Can you find the notice copy in the documents?

A: No.

Q64: I put it to you that you are proceedings against the plaintiff since he has filed the suit?

A: I deny.

Q65: In 2022, Highways Department People came into plaintiff's property and demolished front portion of the same. Are you aware of it?

A: I do not know.

Q66: On the same day during the pendency of the suit the plaintiff property adjacent properties have not demolished?

A: I do not know.

Q67: Are you giving evidence on behalf of D3 alone?

A: Yes.

Q68: I put it to you that the suit property is not in Town Survey No.27, it is a grama natham property?

A: I deny.

Q69: Are you aware that Government has given instructions to issue patta in respect of Gramanatham lands in which the residents are in possession?

A: Yes.

Q70: Are you aware that the Government has issued patta in respect of Survey No.121 in favour of one Kishore?

A: I am not aware.

Q71: I put it to you that the suit filed by the plaintiff has to be decreed?

A: I deny.

Time: 03.55 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 12.06.2026

Time : 12.43 P.M.

Name : Mr.L.Haribabu (DW 2)

Age : 35 Years

Father's Name : Mr.E.Lakshmanan

Office Address : Assistant Engineer, Section – IV,
Chennai City Roads, Chennai City Major Roads,
SH 2, Chennai – 600 015.

DW2 Chief Examination by Mr.Karthik Selvaraj, Govt. Pleader, the learned counsel for the defendants 1 to 6.

Solemnly affirmed:

I am the 6th defendant herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief.

Time: 12.50 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 09.07.2026

Time : 01.26 P.M.

Name : Mr.L.Haribabu (DW 2)

DW2 Chief Examination Continuation by Mr.Karthik Selvaraj, Govt. Pleader, the learned counsel for the defendants 1 to 6.

Solemnly affirmed:

Ex.D8 is the photocopy of the First Notice issued by 6th Defendant bearing Notice No.32/Koyembedu/ 187/2019/JDO dated 14.10.2019. (The learned counsel for the plaintiff objects to mark the document since it is a photocopy, documents marked subject to admissibility, proof and relevancy).

Ex.D9 is the photocopy of the Communication from 6th Defendant to the plaintiff bearing Memo No.874 of 2019 JDO dated 11.11.2019. (The learned counsel for the plaintiff objects to mark the document since it is a photocopy, documents marked subject to admissibility, proof and relevancy).

Ex.D10 is the photocopy of the Final Eviction Notice issued by 4th Defendant bearing Letter No.113/ 2021/Koyembedu/GS/JDO dated 01.10.2021. (The learned counsel for the plaintiff objects to mark the document since it is a photocopy, documents marked subject to admissibility, proof and relevancy).

Time: 01.35 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER - I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.13 of 2020

Date : 15.07.2026

Time : 12.08 P.M.

Name : Mr.L.Haribabu (DW 2)

DW2 Cross Examination by Mr.R.Subramanian, the learned counsel for the Plaintiffs.

Solemnly affirmed:

Q1: When did you become an Assistant Engineer?

A: In the year 2016 through TNPSC recruitment.

Q2: From 2016 you are working in Chennai or elsewhere?

A: First one year I was working in the Director General Office, Guindy after that since 2017 I am working in Chennai City Roads Division.

Q3: In 2019 where were you working?

A: I was working in Chennai City Roads Division in Section -III.

Q4: When did you come to 6th defendant's office?

A: From 2017.

Q5: Ex.D8 is shown to the witness. Is it correct to state that your Office issued this first notice?

A: Yes. This was issued by Assistant Divisional Engineer onn 14.10.2019.

Q6: Ex.D8 was followed by 11.11.2019 notice which is marked as Ex.D9. Is it right?

A: Yes.

Q7: Are you aware the contents of notices Ex.D8 and Ex.D9 personally?

A: Not personally.

Q8: Is it correct to state that you know the contents through your records?

A: Yes.

Q9: You have been authorized to give evidence on behalf of D6. Is it right?

A: Yes.

Q10: Have you produced any authorization letter to depose on behalf of D6?

A: No, I can produce.

Q11: Proof affidavit is shown to the witness. Is it correct to state that this affidavit has been filed by you?

A: Yes.

Q12: Before signing the proof affidavit did you verified the relevant records pertaining to Ex.D8 and Ex.D9?

A: Yes.

Q13: Are you aware that Notice issued by Assistant Executive Engineer dated 14.10.2019 (Ex.D8) was challenged in W.P.No.32297 of 2019?

A: Yes.

Q14: What happened to that Writ Petition?

A: It was disposed with Direction.

Q15: Did you go through the Order passed by the High Court in W.P. No.32297 of 2019?

A: No.

Q16: Ex.P22 is shown to the witness. On 18.11.2019 Writ Petition has been disposed by the Hon'ble Division Bench by giving some directions to the Divisional Engineer, Highways Department. Is it correct?

A: Yes, direction has been given to pass orders within a period of 4 weeks from the date of receipt of copy of this order.

Q17: Ex.P22 is shown to the witness. Please see para 4 of Ex.P22. What does it say?

A: Petition has given his reply to the Notice dated 14.10.2019 and the 6th Respondent has to pass appropriate orders on the petitioners reply within a period of 4 weeks.

Q18: Ex.P22 is shown to the witness. Please see para 5 of Ex.P22. What does it say?

A: Till the passing of final orders no coercive steps shall be taken against the petitioner.

Q19: Ex.P23 is shown to the witness. As per the orders of the High Court the plaintiff submitted his reply on 28.11.2019. Is it correct?

A: Yes.

Q20: Have the Divisional Engineer passed any orders as per the Directions of the High Court?

A: I am not aware.

Q21: I put it to you that in total violation of the Order passed by this Hon'ble High Court so far you have not passed any Order.

A: I deny. Witness adds: I have to check the records.

Q22: Are you aware whether any orders was passed as per the Direction?

A: I am not aware, I have to check the records.

Q23: Can you produce the orders passed by the 6th defendant based on the Direction of Hon'ble High Court?

A: I have to check the records if orders will be there I can produce.

Q24: Para 3 of Proof affidavit is shown to the witness. In para 3 it is stated as “the aforesaid documents evidence that the defendants have infact taken complete possession in the disputed portion of the property” Is it right?

A: Yes. Witness Adds: The Plaintiff is running a Hotel in the property.

Q25: Have you stated so in any of the notices issued by the Divisional Engineer that the plaintiff is running the Hotel?

A: No, the Hotel is recently set-up.

Q26: What is the name of the Hotel, have you checked the name of the Owner of the Hotel?

A: No, I do not remember the name of the Hotel.

Q27: Have you atleast seen the Hotel in the property?

A: Yes.

Q28: I put it to you that there is no such Hotel run by the plaintiff in the suit property.

A: I deny.

Q29: In Ex.P22 orders passed by the Hon'ble High Court, Till the passing of final orders no coercive steps shall be taken against the petitioner, Is it right?

A: Yes.

Q30: How did you take possession without passing any orders as per the Direction of the Hon'ble High Court in Ex.P22?

A: Hon'ble High Court has passed orders in Original Side Appeal No.172 of 2020 to take the possession of the land.

Q31: Have you produced the copy of the order passed in Original Side Appeal No.172 of 2020?

A: I am not aware.

Q32: Can you produce the copy of the Order passed in Original Side Appeal No.172 of 2020?

A: Yes, I can.

Q33: Have you seen the order passed in OSA or not?

A: No.

Q34: Ex.D10 is shown to the witness. You have referred to an Interim Order in Review Application 123 of 2021 in OSA 172 of 2014. Have you seen that Order?

A: No.

Q35: Can you produce the Interim Order, Final Order in Review Application 123 of 2021 in OSA 172 of 2014?

A: If available I can produce.

Time: 12.50 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I