

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 30-06-2017

Judgment delivered on : 11-08-2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Second Appeal No.188 of 2014

and

M.P.No.1 of 2014

S.Arulselvan

.. Appellant/Plaintiffs

Vs

1. The District Collector,
Having Office at Collectorate,
Kanchipuram, Kanchipuram District.

2. The Executive Engineer,
Public Works Department,
Kanchipuram.

3. The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur,
Chennai 600 069

.. Respondents/Defendants

Second Appeal filed under Section 100 C.P.C. against the judgment and decree dated 26.04.2013 passed in A.S.No.11 of 2009 on the file of the Subordinate Court, Kanchipuram, against the judgment and decree dated 29.11.2008 made in O.S.No.261 of 2008 on the file of the District Munsif Court, Sriperumbudur.

For Appellant

.. Mr.T.Sathiyamoorthy

For Respondents

.. Mr.T.Jayarama Raj,
Govt. Advocate (CS)

JUDGMENT

The plaintiff who lost before the trial Court as also before the first appellate Court, is before this Court now by way of the present Second Appeal, challenging the judgment and decree dated 26.04.2013 in A.S.No.11 of 2009 on the file of the Sub Court, Kanchipuram.

2. According to the appellant/plaintiff, in the year 1960, himself, his father and his brothers had partitioned their ancestral property by way of partition deed dated 30.03.1960, registered as Doc.No.837/1960 on the file of S.R.P., Poonamallee. Out of the 12 shops comprised in the building, one shop bearing new Door No.226 was allotted to the plaintiff, one shop bearing new Door No.227 was allotted to the plaintiff's grand mother Late Krishnaveni, who in turn bequeathed the said shop to the plaintiff by way of a registered Will, dated 29.08.1979. Thus, according to the appellant/plaintiff, he is in possession of the two shops bearing Door Nos.226 and 227. The said shops have electricity connections and have been duly assessed by Kunrathur Town Panchayat and the plaintiff has been paying the electricity charges and property tax, regularly.

3. It is the further case of the appellant/plaintiff that on 08.11.1997, the 2nd and 3rd defendants, under directions from the 1st defendant, had, all of a sudden, without any notice whatsoever to the plaintiff or his tenants, assembled with poclain and bulldozers in the Street in which the plaintiff's buildings were situated, for demolishing the same. Immediately, the plaintiff's father rushed to the site and pleaded with the authorities of defendants 1 to 3 not to demolish the shops. Even though the plaintiff's father produced title deeds in respect of the said shops, the authorities went ahead with demolition, whereby the said shops, upto 12 feet from the Road, was demolished. Challenging the act of the defendants that it is in gross violation of the principles of natural justice, the plaintiff filed a Writ Petition in W.P.No.18089 of 1997 before this Court and the said Petition was disposed of, with an observation to file a suit before the proper Court of competent jurisdiction. Moreover, at the time of admission, it was represented on behalf of the respondents/defendants that a portion of the construction put up by the plaintiff was on the encroached road portion belonging to the Government. While so, it is the case of the appellant/plaintiff that even if he is found to have encroached any part of the Government property, he cannot be evicted or dispossessed except in the manner contemplated under the Tamil Nadu Land Encroachment Act.

4. While so, according to the third defendant, the plaintiff and the adjoining land owners of the Road, have slowly, step by step encroached the Road and put up construction in the Road and therefore, the width of the Road got reduced leading to traffic congestion in the suit Village. The public vehicle riders and bus drivers suffered a lot and they made a representation to the defendants to remove the encroachments on the Road. After considering the representation and measuring and demarcating the encroachment, the defendants issued a notice to the plaintiff and other encroachers as per the Tamil Nadu Land Encroachment Act and the Tamil Nadu District Municipalities Act, but the plaintiff and other encroachers refused to receive the said

notice and hence it was served by affixture. Therefore, according to the third defendant, when the plaintiff was very well aware about the removal of encroachments well before they were removed, there is no necessity on the part of the defendants to compensate the plaintiff and restore the suit premises to the original condition. According to the third defendant, they have already laid a road on the encroached portion, after removal of the encroachment, i.e. where the buildings were demolished and now it is being used as a Road by the entire public.

5. After analyzing the available oral and documentary evidence, the trial Court dismissed the suit, against which, the plaintiff preferred First Appeal and the first appellate Court also dismissed the First Appeal, upholding the judgment and decree of the trial Court, on the ground that the respondents/defendants have issued advanced notice to the occupiers before demolition of the building, and found that there is encroachment of the Road by the plaintiff and other occupiers. Having lost before both the Courts below, the plaintiff is before this Court by way of the present Second Appeal.

6. Learned counsel for the appellant/plaintiff contended that the appellant/plaintiff has not encroached any property and that the Government has encroached upon his land to an extent of 500 sq.ft and laid 'Thar' Road after demolition. It is his further contention that the first appellate Court erred in dismissing the appeal filed by the appellant/plaintiff, even though the Advocate Commissioner appointed by the first appellate Court has specifically stated that the land in S.No.152/25 has been measured and had been identified by the Surveyor and the suit property is included in Patta No.133 registered in the name of the appellant and one Devakiammal and it measures 0.05.5 sq. mtr. and it has been on the ground used as Thar road and it is not a poramboke property and it is only a portion that has been identified as a patta land.

7. On the other hand, learned Government Advocate appearing for the defendants justified that there is actually encroachment by the plaintiff and prayed for dismissal of the Second Appeal.

8. Heard both sides and perused the materials available on record.

9. This Court, at the time of admitting the Second Appeal on 28.02.2014, has ordered "notice before admission to the respondents, returnable by two weeks", subsequent to which, now the Second Appeal is heard and disposed of by this judgment on merits.

10. The appellant/plaintiff has filed the suit in O.S.No.261 of 1998 praying for a permanent injunction restraining the defendants from laying a Road in the suit property and for mandatory injunction to direct the defendants to restore the suit property with the building which was demolished in a high-handed manner.

11. Admittedly, the appellant/plaintiff has sought for the relief with regard to Old S.No.124/2 and New S.No.152/25. Though it has been contended by the learned counsel for the respondents/defendants that the old S.No. that was referred to was only 124/2 and 152/25, and from Ex.B-7 marked in this Second Appeal, it is clear that 124/2 refers only to old S.No. and it is toilet. It has been contended that instead of S.No.124/12, it has been wrongly typed as '2', but there is no amendment to the prayer.

12. That apart, the records produced by the Government sub-divides the new S.No.152 into a different sub-division and 152/25 and refers it as Ryotwari land and that it is owned by the Government and this reference to persons who are occupying the place as encroachers.

13. It is not in dispute that the patta has not been marked before the trial Court or lower appellate Court. Though it has been contended by the respondents/defendants/Government that the land belongs to them, and the entire property belongs to them and the same has not been disputed by the Government, in paragraph 6 of the written statement, it has been clearly mentioned that the plaintiff, who is the appellant herein, and the adjoining land owners of the Road, have encroached the Road slowly step by step and encroached the Road and put up construction on the Road and therefore, the width of the Road got reduced, and there is Road Traffic in the suit village and it takes hours together to clear the Road Traffic. Though the respondents/defendants wanted to convince the Court that the ownership of the property is not in dispute and that there is no need for seeking declaration as contended by the Government, even assuming without accepting that there is no declaration required, the Government has not disputed to the extent to the property that has been allotted to the plaintiff and they have categorically mentioned about the encroachment on the Road and the Road is meant only for public purpose. Even though it has been contended that only in 1997, Natham survey was done and patta was given to the actual extent of the land, it is not out of context to state that in respect of the original land owned by him alone, patta has been granted to that extent and not to the encroached portion of 500 Sq.Ft. It is further contended that the lower appellate Court has confirmed that the land belongs to the respondent/Government and the said finding has not been questioned by the Government. It cannot be accepted, as

there is specific plea in the written statement supra, apart from the fact that the lower appellate Court has categorically stated in terms of the sale deed and the partition deed Ex.A-1 sale deed and Ex.A-2 partition deed. There is no dispute with regard to the title and the right of the suit property and that the plaintiff has gradually encroached upon the public Road and put up a sun-shade and other door premises in the main Road by way of encroachment. Even the general public using the Road have given a complaint and the Government has verified the records and issued notice to the plaintiff in advance and took steps to demolish the same.

14. The lower appellate Court has held that as per the Tamil Nadu District Municipalities Act and the Tamil Nadu Panchayats Act, notice has been issued and information has also been given to the occupiers as required under the said Acts for the removal of encroachment and the plaintiff did not take any steps before the trial Court, and even no steps have been taken for appointment of Advocate Commissioner. Only in the First Appeal stage, a petition was filed and properties have been measured and that the lower appellate Court came to the conclusion that the Advocate Commissioner's report is of no help to the parties. The Advocate Commissioner's report reads as follows:

" ... I issued a notice to the Tahsildar, Sriperumbudur to depute the Taluk Surveyor to assist me at the time of inspection of the suit property and the inspection was fixed at their request on 22.12.2012. I issued a notice to the counsel of both sides and proceeded to inspect the suit property with the assistance of the Taluk Surveyor, Sriperumbudur, I inspected the suit property and the suit property is identified in S.No.152/25. The Taluk Surveyor also present along with his field staffs with Village Administrative Officer and other survey materials and the property was identified. The and in S.No.152/25 has been measured and has been identified by the Surveyor and the suit property is included in patta No.133 registered in the name of the appellant and one Devakiammal and it measures 0.05.5 Sq.Mtr. and it has been on the ground used as Thar road and it is not a poramboke property and it is only a portion that has been identified is a patta land. There is no question of any encroachment as identified by the Survey Officials."

15. Ex.C-1 Advocate Commissioner's report has been marked with regard to the total extent of the area in question. The Revenue Records clearly show that it is a Ryotwari land and that, as no action was taken by the plaintiff, as per law, the encroachment has been removed, demolished and a Road has also

been laid.

16. Though Ex.A-1 sale deed and Ex.A-2 partition deed are admitted and marked as plaintiff's side documents, it is not in dispute with regard to the extent of property barring encroachment land belonging to the plaintiff. Since the plaintiff and his tenants have gradually encroached the public Road, the breadth of the Road had been shortened and there is no free flow of traffic. The defendants/Government have removed unauthorised encroachment after following due procedures enumerated in the Tamil Nadu District Municipalities Act, the Tamil Nadu Land Encroachment Act and the Tamil Nadu Panchayats Act. Since it is a public Road, Writ Petition(s) could have been filed for removal of encroachment, but in this case, the plaintiff who has encroached the land, has approached the Court without seeking the relief of declaration of title to the extent of the land encroached.

17. As stated supra, from Ex.B-7 which has now been marked in this Second Appeal, it is crystal clear that old S.No. pertains to toilet, whereas the plaintiff sought for relief with regard to the other land. Even assuming for the sake of argument that the case of the plaintiff has got to be accepted and there is typographical error and or it would have been omitted, namely instead of typing 12, it has been typed as 2 and that old S.No.124/12 is Grama Natham, the extent of the land, namely about 0.05.5 Sq.Mtr, is shown as Ryotwari land.

18. Even though the name of Arul Selvam and Devakiammal had been referred in the Revenue Records in S.No.152/25, it cannot by any stretch of imagination, be construed as though they have not encroached the land barring the portion which devolved upon the plaintiff by means of the sale deed and partition deed Exs.A-1 and A-2 respectively.

19. However, entering the names of the persons concerned in the records by the officials when the land does not belong to them, creates a lot of havoc and more than the persons like the plaintiff, it is the officials like the Tahsildar, who are in the Revenue Department and who are responsible for manipulating the records, are hand-in-glove with the encroachers. Instead of the Tahsildar being loyal to the work for which they have been appointed, they became loyal to those who give money to them to make them to create records. This case appears to be one such case where the records appear to have been manipulated. The black-sheep is within the Government, and the person/staff who received bribe, would have manipulated the records and permitted encroachment, and finally, handful of persons from different areas approach the Court for removal of encroachment. The lower appellate Court is the last fact finding of fact and the staff/official of the Government are the spy who give the input

and ideas for creating the records or manipulating the records for consideration.

20. The Supreme Court, time and again, held that the officials have got to be taken to task. In this regard, it is useful to refer a decision of a Division Bench of this Court in the case of M.P.Aravinda Vs. The Commissioner, Corporation of Chennai and others, W.P.No.28311 of 2016, dated 04.10.2016, wherein the Division Bench held as follows in paragraph 7:

"7. However, before parting with this case, it would be useful to refer to the direction of this Court, in W.P.38432 of 2015, etc., wherein, by order dated 07.09.2016, this Court has observed that very many encroachments are found throughout the city of Chennai, which requires to be dealt with sternly, but for the ineffective steps taken by the authorities concerned, such encroachments would not have continued. It is high time that dynamic action needs to be taken by the authorities concerned so as to avoid public lands being usurped by unscrupulous elements. This Court, in the abovesaid writ petition, has given certain guidelines for the authorities to follow in respect of any encroachments being brought to its notice. The relevant portion of the order, for better clarity is extracted hereunder:

"12. Whenever it is brought to notice that there is land encroachment on the roads or in any other place or violation of construction, it is open to the authorities concerned to call for the following details from the violator by issuing appropriate notice:

- (a) Registered Deed based on which the property has devolved upon the person;
- (b) Extent of square feet mentioned in the Schedule property;
- (c) Width of the road;
- (d) Actual constructed area;
- (e) Approved plan;
- (f) Whether set back space has been provided as per the Plan/Rules."

21. In the above extracted paragraph mentioning W.P.No.38432 of 2015, etc., batch, dated 07.09.2016, the Division Bench of this Court further observed that it is the bounden duty of the person who receives the notice to furnish all the details called for, failing which, it has to be presumed that there are violations and it is open to the authorities to act as per law. Wherever there are encroachments on road, road width has got to be restored. If there is no Building Plan, deviations, if any, have got to be removed by the petitioner. If not, the

authorities are entitled to remove the same in accordance with law, recovering the demolition costs from the petitioner.

22. Further, in yet another Division Bench decision of this Court, in the case of M/s.Aara Silk, rep. by its Partner Vs. The Principal Director, Southern Command, IDES Guest House, Cross Road, Pune, Maharashtra State and the Chief Executive Officer, Cantonment Board, St.Thomas Mount, Chennai-600 043, in W.P.No.29985 of 2016, dated 29.09.2016, it is held as follows in paragraph 20:

"20. It is pertinent to note that recently, the First Bench of this Court (S.K.Kaul, CJ and R.Mahadevan,J) in Contempt Petition No.1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo Motu), took up a matter pertaining to demolition of the violated portions of a building and insisted that the unauthorised constructions are decimated. Relevant portion of the said order reads thus:

"4. We have also perused the report of the Commissioner, who is present in Court. We have impressed upon him the importance of ensuring that there is atleast no continuing unauthorised construction by issuing stop work notices immediately when such unauthorised construction is detected rather than waiting for comparison of the plans. We have also emphasised the importance of:

(a) Checking the buildings from the basement, ground floor onwards, so that the set backs are adhered to;

(b) Ensure that the on-gong construction complies with the norms;

(c) The delinquent officers are brought to book not by mere consure, stoppage of increment, but by more severe consequences like compulsory retirement and dismissal from service. We say so, as despite, mammoth amount of unauthorised construction, we are informed that not a single person has suffered the punishment of dismissal from service or even compulsory retirement atleast for the last five years.

(d) Not to let any unnecessary interference with his work by the persons, who have nothing to do with his job and that he should be able to do his task without fear or favour, for which necessary Court protection is available." "

23. It has been contended by the learned counsel for the appellant/plaintiff that in terms of Order 41 Rule 27 CPC and Order 41 Rule 33 CPC, this Court is empowered to mould the relief with regard to the power of the Court of appeal and mark additional evidence. It is better to quote Order 41 Rule 27 and Order 41 Rule 33 CPC as follows:

Order 41: Appeals from original decrees:

Rule 27: Production of additional evidence in Appellate Court:

(1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court, But if—

(a) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(aa) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or

(b) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission."

Order 41: Appeals from original decrees:

Rule 33: Power of Court of Appeal: The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees:

Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to make such order."

24. The above provisions of Order 41 Rule 33 CPC may not be applicable to the facts of the present case. If the Court has accepted the contention of the plaintiff, certainly, for taking the land of the plaintiff, the Court would have granted compensation on the ground that the land has been taken by the Government and a Road has been laid. In this case, from the original property which devolved upon the plaintiff, solely the plaintiff has encroached the land as observed by the lower appellate Court, which is the last Court of finding of fact.

25. Further, it is useful to refer a decision of the Full Bench of this Court reported in 2005 (2) CTC 741 (FB) (Madurai Bench of Madras High Court) (Ramaraju.T. Vs. The State of Tamil Nadu), wherein it is observed as follows:

"38.

(1) If the encroachment is on road or road margins, vested in Municipalities, the removal if any is to be effected only after following the procedure contemplated in Chapter IX of the Tamil Nadu District Municipalities Act and more particularly the provisions contained in Section 182 and Section 183 (6). Before taking action under Section 182 of the District Municipalities Act, notice in writing giving atleast two weeks time should be served and, if the person avoids to receive the notice, such notice can be effected by affixure. However, notice by any other means, such as through public announcement or beating of drums or by general notice in newspapers, may not be sufficient.

.. ..

(3) Payment of property tax, provisions of water connection or electricity by themselves cannot be construed as conferring any independent right, if the encroachment is otherwise unauthorised.

(4) The above directions and observations are also applicable to encroachment in respect of road or road margins coming within the jurisdiction of Municipal Corporation or Town and Village Panchayats, in which event, necessary action can be taken by the concerned authorities by following the relevant provisions of law applicable to such Corporation or Panchayats.

.. . . .

(6) If the encroachment is on the land belonging to the Local Authorities, but such land is not part of the road or road margin or roadside land, eviction can be effected by following the procedure contemplated in law, namely, either by taking recourse to the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 or any other law applicable or otherwise by taking recourse to Civil Courts and not by use of unilateral force.

(7) So far as the encroachment on the land belonging to the Government is concerned, action for eviction if any can be taken only by the appropriate authority and by following the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905.

.. . . ."

26. In case of unauthorised encroachment, the Government would be right in invoking the relevant provisions of the relevant Act at any rate, an entry in the Revenue papers have to be correct which form the basis for declaration of title to the respective party/parties.

27. First of all, the plaintiff has not sought for any declaration insofar as the extent of 0.05.5 Sq.Metr. The pleadings and the admissions by the appellant/plaintiff with regard to the ownership of the property, is only to that extent of the land which devolved upon the plaintiff based on Exs.A-1 and A-2 and not with regard to the land that has been encroached upon by him solely by putting up sun-shade and other portions. The burden of proof is on the plaintiff to establish the ownership of the property. The ownership of the property to the extent devolved upon him alone, has been admitted. They have not sought for any declaration insofar 500 Sq.Ft. or 0.05.5 Sq.Metr.

28. Taking note of Order 41 Rule 33 CPC regarding appeals and also Order 41 Rule 27 CPC relating to production of additional evidence in appellate Court, this Court allowed the marking of some documents relied on by the respondents/defendants, as ordered in this Second Appeal by way of C.M.Ps. filed by the respondents/defendants. In this regard, it is useful to refer a decision of the Supreme Court reported in 2012 (8) SCC 148 (Union of India Vs. Ibrahim Uddin) and the relevant portion of the said decision of the Supreme Court reads as follows:

"Order 41 Rule 27 CPC:

36. The general principle is that the Appellate Court should not travel outside the record of the lower court and cannot take any evidence in appeal. However, as an exception, Order XLI Rule 27 CPC enables the Appellate Court to take additional evidence in exceptional circumstances. The Appellate

Court may permit additional evidence only and only if the conditions laid down in this rule are found to exist. The parties are not entitled, as of right, to the admission of such evidence. Thus, provision does not apply, when on the basis of evidence on record, the Appellate Court can pronounce a satisfactory judgment. The matter is entirely within the discretion of the court and is to be used sparingly. Such a discretion is only a judicial discretion circumscribed by the limitation specified in the rule itself. (Vide: K.Venkataramiah Vs. A.Seetharama Reddy, AIR 1963 SC 1526; Municipal Corporation of Greater Bombay Vs. Lala Pancham, AIR 1965 SC 1008; Soonda Ram Vs. Rameshwaralal, 1975 (3) SCC 698 = AIR 1975 SC 479 and Syed Abdul Khader Vs. Rami Reddy, 1979 (2) SCC 601 = AIR 1979 SC 553).

37. The Appellate Court should not, ordinarily allow new evidence to be adduced in order to enable a party to raise a new point in appeal. Similarly, where a party on whom the onus of proving a certain point lies fails to discharge the onus, he is not entitled to a fresh opportunity to produce evidence, as the Court can, in such a case, pronounce judgment against him and does not require any additional evidence to enable it to pronounce judgment. (Vide: Haji Mohammed Ishaq Vs. Mohd. Iqbal and Mohd. Ali and Co., 1978 (2) SCC 493 = AIR 1978 SC 798).

38. Under Order 41 Rule 27 CPC, the appellate Court has the power to allow a document to be produced and a witness to be examined. But the requirement of the said Court must be limited to those cases where it found it necessary to obtain such evidence for enabling it to pronounce judgment. This provision does not entitle the appellate Court to let in fresh evidence at the appellate stage where even without such evidence it can pronounce judgment in a case. It does not entitle the appellate Court to let in fresh evidence only for the purpose of pronouncing judgment in a particular way. In other words, it is only for removing a lacuna in the evidence that the appellate Court is empowered to admit additional evidence. (Vide: Municipal Corpn. of Greater Bombay Vs. Lala Pancham (AIR 1965 SC 1008)).

39. It is not the business of the Appellate Court to supplement the evidence adduced by one party or the other in the lower Court. Hence, in the absence of satisfactory reasons for the non- production of the evidence in the trial court, additional evidence should not be admitted in appeal as a party guilty of remissness in the lower court is not entitled to the indulgence of being allowed to give further evidence

under this rule. So a party who had ample opportunity to produce certain evidence in the lower court but failed to do so or elected not to do so, cannot have it admitted in appeal. (Vide: State of U.P. Vs. Manbodhan Lal Srivastava, AIR 1957 SC 912; and S. Rajagopal Vs. C.M.Armugam, AIR 1969 SC 101).

40. The inadvertence of the party or his inability to understand the legal issues involved or the wrong advice of a pleader or the negligence of a pleader or that the party did not realise the importance of a document does not constitute a "substantial cause" within the meaning of this rule. The mere fact that certain evidence is important, is not in itself a sufficient ground for admitting that evidence in appeal.

41. The words "for any other substantial cause" must be read with the word "requires" in the beginning of sentence, so that it is only where, for any other substantial cause, the Appellate Court requires additional evidence, that this rule will apply, e.g., when evidence has been taken by the lower Court so imperfectly that the Appellate Court cannot pass a satisfactory judgment.

42. Whenever the appellate Court admits additional evidence it should record its reasons for doing so. (Sub-rule (2)). It is a salutary provision which operates as a check against a too easy reception of evidence at a late stage of litigation and the statement of reasons may inspire confidence and disarm objection. Another reason of this requirement is that, where a further appeal lies from the decision, the record of reasons will be useful and necessary for the Court of further appeal to see, if the discretion under this rule has been properly exercised by the Court below. The omission to record the reasons must, therefore, be treated as a serious defect. But this provision is only directory and not mandatory, if the reception of such evidence can be justified under the rule.

43. The reasons need not be recorded in a separate order provided they are embodied in the judgment of the appellate Court. A mere reference to the peculiar circumstances of the case, or mere statement that the evidence is necessary to pronounce judgment, or that the additional evidence is required to be admitted in the interests of justice, or that there is no reason to reject the prayer for the admission of the additional evidence, is not enough compliance with the requirement as to recording of reasons.

44. It is a settled legal proposition that not

only administrative order, but also judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the Court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the Court to record reasons while disposing of the case. The hallmark of order and exercise of judicial power by a judicial forum is for the forum to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration of the justice delivery system, to make it known that there had been proper and due application of mind to the issue before the Court and also as an essential requisite of the principles of natural justice. The reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, the order becomes lifeless. Reasons substitute subjectivity with objectivity. The absence of reasons renders an order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. Recording of reasons is principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision-making. The person who is adversely affected must know why his application has been rejected. (Vide: State of Orissa Vs. Dhaniram Luhar, 2004 (5) SCC 568 = 2008 (2) SCC (Cri) 49 = AIR 2004 SC 1794; State of Uttaranchal Vs. Sunil Kumar Singh Negi, 2008 (11) SCC 205 = 2008 (2) SCC (L & S) 1093; Victoria Memorial Hall Vs. Howrah Ganatantrik Nagrik Samity, 2010 (3) SCC 732 = AIR 2010 SC 1285; and Sant Lal Gupta Vs. Modern Cooperative Group Housing Society Limited, (2010 (13) SCC 336 = 2010 (4) SCC (Civ) 904).

45. In City Improvement Trust Board Vs. H.Narayanaiah, 1976 (4) SCC 9 = AIR 1976 SC 2403, while dealing with the issue, a three judge Bench of this Court held as under (SCC p.20, para 28):

"28. ... We are of the opinion that the High Court should have recorded its reasons to show why it found the admission of such evidence to be necessary for some substantial reason. And if it found it necessary to admit it an opportunity should have been given to the appellant to rebut any inference arising from its insistence by leading other evidence."

(emphasis added)

A similar view has been reiterated by this Court in Basayya I.Mathad Vs. Rudrayya S.Mathad, 2008 (3) SCC 120.

46. A Constitution Bench of this Court in

K.Venkataramiah Vs. A.Seetharama Reddy AIR 1963 SC 1526, while dealing with the same issue held: (AIR p.1529, para 13):

"13. It is very much to be desired that the courts of appeal should not overlook the provisions of clause (2) of the Rule and should record their reasons for admitting additional evidence The omission to record reason must, therefore, be treated as a serious defect. Even so, we are unable to persuade ourselves that this provision is mandatory."

(emphasis added)

In the said case, the court after examining the record of the case came to the conclusion that the appeal was heard for a long time and the application for taking additional evidence on record was filed during the final hearing of the appeal. In such a fact-situation, the order allowing such application did not vitiate for want of reasons.

47. Where the additional evidence sought to be adduced removes the cloud of doubt over the case and the evidence has a direct and important bearing on the main issue in the suit and interest of justice clearly renders it imperative that it may be allowed to be permitted on record, such application may be allowed.

48. To sum up on the issue, it may be held that application for taking additional evidence on record at a belated stage cannot be filed as a matter of right. The court can consider such an application with circumspection, provided it is covered under either of the prerequisite condition incorporated in the statutory provisions itself. The discretion is to be exercised by the court judicially taking into consideration the relevance of the document in respect of the issues involved in the case and the circumstances under which such an evidence could not be led in the court below and as to whether the applicant had prosecuted his case before the court below diligently and as to whether such evidence is required to pronounce the judgment by the appellate court. In case the court comes to the conclusion that the application filed comes within the four corners of the statutory provisions itself, the evidence may be taken on record, however, the court must record reasons as on what basis such an application has been allowed. However, the application should not be moved at a belated stage.

Stage of Consideration :

49. An application under Order 41 Rule 27 CPC is to be considered at the time of hearing of appeal on

merits so as to find whether the documents and/or the evidence sought to be adduced have any relevance/bearing on the issues involved. The admissibility of additional evidence does not depend upon the relevancy to the issue on hand, or on the fact, whether the applicant had an opportunity for adducing such evidence at an earlier stage or not, but it depends upon whether or not the Appellate Court requires the evidence sought to be adduced to enable it to pronounce judgment or for any other substantial cause. The true test, therefore is, whether the Appellate Court is able to pronounce judgment on the materials before it without taking into consideration the additional evidence sought to be adduced. Such occasion would arise only if on examining the evidence as it stands the court comes to the conclusion that some inherent lacuna or defect becomes apparent to the Court. (Vide: Arjan Singh Vs. Kartar Singh, AIR 1951 SC 193; and Natha Singh Vs. Financial Commissioner, Taxation, 1976 (3) SCC 28 = AIR 1976 SC 1053).

50. In Parsotim Thakur Vs. Lal Mohar Thakur, 1931 (34) LW 76 = AIR 1931 PC 143, it was held: (LW pp.86-87):

" ... The provisions of Section 107, Civil Procedure Code, as elucidated by Order 41, Rule 27, are clearly not intended to allow a litigant who has been unsuccessful in the lower Court to patch up the weak parts of his case and fill up omissions in the Court of appeal.

..... Under Rule 27, Clause (1)(b) it is only where the appellate Court "requires" it (i.e. finds it needful). The legitimate occasion for the exercise of this discretion is not whenever before the appeal is heard a party applies to adduce fresh evidence, but "when on examining the evidence as it stands, some inherent lacuna or defect becomes apparent"

..... It may well be that the defect may be pointed out by a party, or that a party may move the Court to supply the defect, but the requirement must be the requirement of the court upon its appreciation of evidence as it stands. Wherever the Court adopts this procedure it is bound by Rule 27(2) to record its reasons for so doing, and under Rule 29 must specify the points to which the evidence is to be confined and record on its proceedings the points so specified. the power so conferred upon the Court by the Code ought to be very sparingly exercised, and one requirement at least of any new evidence to be adduced should be that it

should have a direct and important bearing on a main issue in the case..."

(emphasis added)

(See also: Indirajit Pratab Sahi Vs. Amar Singh, 1922-23 (50) IA 183 = AIR 1928 P.C. 128).

51. In Arjan Singh Vs. Kartar Singh, AIR 1951 SC 193, this Court held: (AIR pp.195-96, para 7-8):

"7. ... If the additional evidence was allowed to be adduced contrary to the principles governing the reception of such evidence, it would be a case of improper exercise of discretion, and the additional evidence so brought on the record will have to be ignored and the case decided as if it was non-existent....."

8. The order allowing the appellant to call the additional evidence is dated 17.8.1942. The appeal was heard on 24.4.1942. There was thus no examination of the evidence on the record and a decision reached that the evidence as it stood disclosed a lacuna which the court required to be filled up for pronouncing the judgment"

(emphasis added)

52. Thus, from the above, it is crystal clear that application for taking additional evidence on record at an appellate stage, even if filed during the pendency of the appeal, is to be heard at the time of final hearing of the appeal at a stage when after appreciating the evidence on record, the court reaches the conclusion that additional evidence was required to be taken on record in order to pronounce the judgment or for any other substantial cause. In case, application for taking additional evidence on record has been considered and allowed prior to the hearing of the appeal, the order being a product of total and complete non-application of mind, as to whether such evidence is required to be taken on record to pronounce the judgment or not, remains inconsequential/inexecutable and is liable to be ignored."

29. Regarding marking of Exs.B-3 to Ex.B-7, which are now marked before this Court, this Court has taken the same additional documents and they have been marked by consent of

both sides, as ordered in C.M.P.Nos.6827 to 6829 of 2017 in S.A.No.188 of 2014, and hence, the examination of Tahsildar has been dispensed with, by order dated 28.06.2017 passed in those C.M.Ps. To clear the doubt with regard to the property in question and with regard to the old S.No.124/2 or 124/12 and New S.No.152/25, the documents have been marked by consent and based on Ex.B-7 and other documents now being marked in this Second Appeal, this Court is of the view that the plaintiff is not entitled to the relief as sought for in the suit.

30. Further, for encroachment on the public land, it is not necessary that the Government should contest in the civil Court. If there are any ample evidence, they can take their defence in the appeal filed by the encroacher and pursuant to the order of the Court, the encroachment can be removed.

31. The parties, after encroaching, cannot contend that the Government land(s) are Natham lands. Under the guise of Natham land(s), the Government's land cannot be encroached or usurped by the villagers.

32. It is worthwhile to refer a decision of this Court reported in 2013 (2) CWC 26 (A.R.Meenakshi Vs. State of Tamil Nadu), wherein it was held as follows, relevant portion of which is quoted:

"10. Before adverting to the contentions of the learned counsel for the petitioners, it is necessary to have an understanding of what a natham land means. Major Law Lexicon of P.Ramanatha Aiyar (Fourth Edition 2010 Vol.IV) describes "nattum" as follows:

"That part of the village lands on which the houses of mirasidars are built, as distinct from the lands attached to the village, a village especially one inhabited by Sudras in opposition of an agraharam, one inhabited by brahmins."

"20. In Dharmapura Adhinam Mutt Vs. Raghavan, 2012 (1) CTC 280, a Division Bench of this Court pointed out that gramamatham is the village habitation where the land owners may build houses and reside. They are also known as house sites. They are classified as gramamatham to differentiate them from inam lands, ryotwari lands, pannai lands and waste lands, which vest in the Government. Therefore, after quoting with approval, the decisions in Rengaraja Iyengar Vs. Achikannau Ammal, 1959 (2) MLJ 513; A.Thillaivanam.A.K. and another Vs. District Collector, Chengai Anna District and three others, 1998 (3) LW 603; and A.Srinivasan Vs. Tahsildar, 2010 (3) MLJ 72, the Division Bench reiterated the position that gramamatham is not vested in the Government.

21. In Muthammal Vs. State of Tamil Nadu, 2006 (3) LW 361, the exposition of what a poramboke land is and what a gramamatham is, as presented by

Mr.T.R.Mani, learned counsel was extracted by S.Ashok Kumar, J in paragraph 8 as follows:

"Learned Senior Counsel also clarified that in Natham, first occupier will be treated as the owner and no Patta will be given to them. Patta is issued only for assessed lands and it is the settled law. That is why, Natham is called as Poramboke, i.e. "natham poramboke" which means "poram (g[wk;]) is outside; "poke (nghf;F)" is revenue record. Thus the word "poramboke lands" means the lands which is not assessed to revenue records and it is outside the revenue accounts. Likewise, "gramanatham" is defined in the Law Lexicon as "ground set apart on which the house of village may be built." Similarly, Natham land is described in Tamil Lexicon published under the authority of University of Madras to the effect that it is a residential portion of a village; or portion of a village inhabited by the non-brahmins; or land reserved as house-sites; etc. Learned Senior Counsel also relied on very many decisions of this High Court as well as the Apex Court to the effect that Poramboke does not include natham and gramanatham never vest with the Government, which will be referred to in the latter part of this judgment."

33. It is also useful to refer a Division Bench judgment of this Court in the case of T.K.Shanmugam Vs. State of Tamil Nadu and others, in W.P.No.1295 of 2009, dated 27.11.2015, wherein, the Division Bench observed as follows:

"26. At this juncture, this Court, taking judicial notice of the fact that even during the hearing of this case, the State of Tamil Nadu is seriously affected by unprecedented floods, i.e. during November 2015, and because of that, number of people were dead and many people lost their property, is compelled to put its views that the entire loss due to the flood was due to maladministration and the prevailing practices by the authorities as almost all the water bodies and water courses were allowed to be encroached upon resulting in reduction in their flood storing and carrying capacity, forcing the water to deviate from its regular course and enter the residential areas causing devastating effects. The authorities have permitted construction of houses in the water bodies. This resulted in inundation of these areas during flood and all these houses submerged under the flood water. This shows that despite the orders of the Court, the authorities pretend to act swiftly in

removing the encroachments but only in a selective manner and not in a planned and determined manner.

27. It has become inevitable for this Court to put on record that the authorities in power cannot destroy the water bodies or water courses formed naturally for the benefit of mankind for ever and it is beyond the power of the State to alienate or re-classify the water bodies for some other purposes without compensating the effect of such water bodies.

28. That apart, while answering the reference in a Writ Petition filed at the instance of the petitioner herein, viz., T.K.Shanmugam Vs. The State of Tamil Nadu (2015 (5) LW 397), the Full Bench of this Court, after considering the various Government Orders and the judgments of this Court and also following the observations and directions issued by the Hon'ble Apex Court, vide order dated 30.10.2015, has held that even the tanks which do not fall within the purview of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, also require protection from encroachment and any encroachment made in such tanks or water bodies have to be removed by following the provisions of the Act.

29. It is significant to point out that the Hon'ble Apex Court in a series of judgments, has held that statutory rules cannot be amended by Executive instructions but "if the rules are silent" on any particular point, Government can fill up the gaps by issuing executive instructions, in conformity with the existing rules. Having regard to the acute water scarcity recurring in the State of Tamil Nadu as a whole, we feel that a time has come where the State has to take some definite measures to restore the already earmarked water storage tanks, ponds and lakes, to its original status as part of its rain water harvesting scheme, which has already been initiated."

34. It is also pertinent to also notice a Full Bench decision of this Court in the case of T.K.Shanmugam Vs. State of Tamil Nadu and others, in W.P.No.1294 of 2009, by judgment dated 30.10.2015, held as follows:

"12. A Public Interest Litigation was filed by one Mr.L.Krishnan seeking for a direction against the Government and the Revenue Officials to remove encroachments made by certain private parties in a Odai Poramboke in Villupuram District. While disposing of the Writ Petition, the Division Bench pointed out that ponds, tanks and lakes have been an essential part of the people's natural resources, however, in

recent years, these have been illegally encroached by unscrupulous persons and this has had adverse effect on the lives of the people. ... It was further pointed out that it is imperative that such natural resources provided for water shortage facilities are maintained by the State Government by taking all possible steps both by taking preventive measures as well as by removal of unlawful encroachments. After referring to the decision of the Hon'ble Supreme Court in the case of Hinch Lal Tiwari Vs. Kamal Devi reported in 2001 (6) SCC 496, it was held that the endeavour of the State should be to protect the material resources like Forests, Tanks, Ponds etc., in order to maintain ecological balance, which would pave the way to provide a healthy environment and enable the people to enjoy a quality life, which is essence of the right guaranteed under Article 21 of the Constitution. It was further held that in the State of Tamil Nadu having regard to the precarious water situation prevailing in the major part of the year, it is imperative that such noted water shortage resources, such as tanks, odai, oornis, canals etc. are not obliterated by encroachers. Reference was also made to Article 48A of the Constitution. The Division Bench after referring to the other decisions of the Hon'ble Supreme Court in Kesavananda Bharathi Vs. State of Kerala reported in 1973 (4) SCC 225; Animal and Environment Legal Defence Fund Vs. UOI, reported in 1997 (3) SCC 549; M.C.Metha Vs. UOI reported in 1997 (3) SCC 715, issued certain directions. The directions issued were two fold, firstly, a positive direction to remove the encroachments over odai poramboke which was complained of in the said Public Interest Litigation, secondly, a direction to the State Government to identify all such natural water resources in different parts of the State and wherever illegal encroachments are found, initiate appropriate steps in accordance with the relevant provisions of law for restoring such natural water storage resources which have been classified as such in the revenue records to its original position so that the suffering of the people of the State due to water shortage is ameliorated.

... ..

18. In the case of Jagpal Singh (Jagpal Singh Vs. State of Punjab - 2011 (11) SCC 396), certain trespassers unauthorisedly occupied an extent of land in a village which was a pond and the trespassers filled the village pond and made construction thereon. Action for eviction of the unauthorised occupants was initiated, but the Collector, Patiala, held that it

would not be in public interest to dispossess the encroachers and directed the Grama Panchayat to recover the cost of the land, thus regularising the illegality. On appeal by some third parties to the Commissioner, the order of the Collector was set aside, holding that the Grama Panchayat was colluding with the encroachers. The Commissioner held that the village pond has been used for the common purpose of the villagers and cannot be encroached upon by any private parties. Against the order of the Comm, a Writ Petition was filed before the High Court which was dismissed by the learned single Judge and affirmed by the Division Bench. This order was put to challenge before the Hon'ble Supreme Court wherein it was pointed out that the appellants therein were trespassers who illegally encroached on the Grama Panchayat lands by using muscle power and money power in collusion with officials of the Grama Panchayat and such kind of patent illegality must not be condoned and even if houses have been built on the land in question they must be ordered to be removed and the possession of the land must be handed back to the Grama Panchayat. It was further pointed out that many State Governments have been issuing orders permitting allotment of Grama Sabha land to private persons on payment of some money and all such Government Orders are illegal and should be ignored.

20. In the case of R.Lakshmanan (Division Bench of Madurai Bench of Madras High Court in W.P.(MD). No.1496 of 2014, dated 06.08.2014, R.Lakshmanan Vs. Government of Tamil Nadu and others), a Public Interest Litigation was filed before the Madurai Bench of this Court to restore the capacity of the water bodies as on date of the 1923 survey. The Writ Petition was disposed of by directing the Government to issue appropriate direction which should be mandatory in nature to all local bodies, including Corporation, Municipalities and Panchayats not to grant any planning permission for any construction that is put up in a water body and not to grant approval for any lay out or building plan, if the land is located either in part or in whole, in a water body and directing the Government to contemplate issuing of an order under the Tamil Nadu Town and Country Planning Act making it mandatory to enclose a certificate of the Revenue Authority along with building plan application, certifying that no part of the land is located in a water body and wrong information if provided, the person who issued the certificate to be held responsible.

21. General Instructions given for

Land Administration states that encroachments in poramboke lands like water sources/courses, gracing grounds, temple lands, kalam, etc., are considered as highly objectionable and these encroachments have to be evicted. The Revenue, Public Works and Highways Department authorities and local bodies like Municipalities and Corporation have been empowered to evict unauthorised encroachments after giving due notice under the Tamil Nadu Land Encroachment Act, 1905, for which a District Level Committee under the Chairman of the District Collector has been constituted.

45. and that the tanks which do not fall within the purview of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, also require protection from encroachment and any encroachment made in such tanks or water bodies have to be removed by following the provisions of the Tamil Nadu Land Encroachment Act, 1905."

35. The Courts have repeatedly held that the Government should issue appropriate direction (which should be mandatory in nature) and the authorities concerned shall not grant any planning permission for any illegal construction being put up. This will also apply to parks, lands and other places.

36. Moreover, with regard to the power of the State to invoke its eminent domain, the Supreme Court, in the decision reported in 1995 (5) SCC 587 (State of U.P. Vs. Keshav Prasad Singh), held as follows:

"4. Having considered the specific contentions, we are of the considered view that the conclusion of the High Court was clearly illegal. It is seen that the land acquired was for a public purpose. Admittedly, the same land was acquired in the year 1963 for building a PWD office and after construction a compound wall was also constructed to protect the building. As found by the Civil Court, on adducing evidence in a suit that the Department had encroached upon the respondent's land which was directed to be demolished and delivery of possession to be given. It is seen that when that land was needed for a public purpose, i.e. as part of public office, the State is entitled to exercise its power of eminent domain and would be justified to acquire the land according to law. Section 4(1) was, therefore, correctly invoked to acquire the land in dispute. It is true that the State had not admitted that its officers had encroached upon the respondent's land and had carried the matter in appeal. The finding of the civil Court was that the property belongs to the respondent. The factum of the

action under the Act implies admission of the title of the respondent to the extent of land found by the Civil Court to be an encroachment. Though the State chose to file the appeal which was pending, better judgment appears to have prevailed on the State to resort to the power of eminent domain instead of taking a decision on merits from a Court of Law. In view of the fact that the PWD office building was already constructed and a compound wall was needed to make the building safe and secure and construction was already made, which is a public purpose, the exercise of power of eminent domain is perfectly warranted under law. It can neither be said to be colourable exercise of power nor an arbitrary exercise of power."

37. With regard to the factum of establishing ownership by a plaintiff, it is also noteworthy to quote a decision of the Supreme Court reported in AIR 1997 SC 2181 (State of H.P. Vs. Keshav Ram), as follows:

"4. In view of the rival contentions, the question that arises for consideration is whether the plaintiffs have been able to establish their title and the Courts below were justified in declaring plaintiffs' title. As has been stated earlier the only piece of evidence on which the Courts below relied upon to decree the plaintiffs' suit is the alleged order made by the Assistant Settlement Officer directing correction of the record of right. The order in question is not there on record, but the plaintiffs relied upon the register where the correction appears to have been given effect to. The question, therefore, arises as to whether the entry in the settlement papers recording somebody's name could create or extinguish title in favour of the person concerned ? It is to be seen that the disputed land originally stood recorded in the name of Raja Sahib of Keonthal and thereafter the State was recorded to be the owner of the land in the record of right prepared in the year 1949-50. In the absence of the very order of the Assistant Settlement Officer directing necessary correction to be made in favour of the plaintiffs, it is not possible to visualize on what basis the aforesaid direction had been made. But at any rate such an entry in the Revenue papers by no stretch of imagination can form the basis for declaration of title in favour of the plaintiffs. To our query as to whether there is any other document on the basis of which the plaintiffs can claim title over the disputed land, the learned counsel for the plaintiffs-respondents could not

point out any other document apart from the alleged correction made in the register pursuant to the order of the Assistant Settlement Officer. In our considered opinion, the Courts below committed serious error of law in declaring plaintiffs' title on the basis of the aforesaid order of correction and the consequential entry in the Revenue papers. In the circumstances, the appeal is allowed and the judgment and decree passed in all the three forums are set aside. The plaintiffs' suit stand dismissed. There will be no order as to costs."

38. Furthermore, in this case, there are concurrent findings rendered by both the Courts below. The concurrent findings of the Courts below do not warrant any interference by this Court under Section 100 CPC. It is settled law from a catena of decisions of the Supreme Court and this Court, that the findings of facts concurrently recorded by the trial court, as also by the lower appellate court, could not be legally upset by this Court, sitting in Second Appeal under Section 100 CPC, unless it is shown that the findings are perverse, being based on no evidence or that on the evidence on record, no reasonable person could come to that conclusion. Further, the scope for interference with the concurrent findings of fact, while exercising jurisdiction under Section 100 CPC, is very limited, and re-appreciation of evidence is not permissible, and if the trial court and the first appellate court misdirected themselves in appreciating the question of law or placed the onus on the wrong party, certainly, there is a scope for interference under Section 100 CPC. This Court finds no illegality or perversity in the concurrent findings of both the Courts below, and hence, they are liable to be confirmed.

39. For the foregoing reasons, I find that there is no question of law, much less substantial question of law involved in the Second Appeal for consideration. The Second Appeal is dismissed, with costs of Rs.25,000/- (Rupees twenty five thousand only), to be paid by the appellant to the Blind School, Poonamallee, Chennai, within one month from the date of receipt of a copy of this judgment. The Miscellaneous Petition is closed.

40. Before parting with this case, it is imperative to quote the lyrics of a song from a Tamil Movie "திருடாதே", i.e. "திருடனாய் பார்த்து திருந்தாவிட்டால் திருட்டை ஒழிக்க முடியாது". Further, when a father or mother who is not the land owner of a property, encroaches a land that does not belong to them, would it not amount to a crime and when it is a crime, what kind of value

that they can teach and instil to their children. Is there anything wrong in telling the children that their parents is/are thief / Land Grabbers ?

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Subordinate Judge, Kancheepuram.
2. The District Munsif, Sriperumbudur.
3. The District Collector,
Having Office at Collectorate,
Kanchipuram, Kanchipuram District.
4. The Executive Engineer,
Public Works Department, Kanchipuram.
5. The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur, Chennai 600 069.
6. The Section Officer, V.R. Section, High Court, Madras.
7. The Superintendent Blind School
Poonamallee Chennai

+1 cc to Mr.t.Sathiyamoorthy Advocate sr 58424
+1 cc to the Special Govt Pleader sr 58841

S.A.No.188 of 2014

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