

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 02.06.2017****CORAM:****THE HONOURABLE Mr.JUSTICE N.SESHASAYEE****S.A. (MD) No.189 of 2017
and C.M.P. (MD) No.3581 of 2017**

1. The State of Tamil Nadu,
Rep, by its District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Sub Collector,
Kattu Paramakudi,
Sub Collector Office, Paramakudi Nagar,
Ramanathapuram District.
3. The Tahsildar,
Taluk Office, Gandhiji Road,
Paramakudi, Ramanathapuram District.
4. The Divisional Engineer,
Highways Department,
Ramanathapuram Nagar,
Ramanathapuram District.
5. The Assistant Divisional Engineer,
Highways Department,
Gandhiji Road, Paramakudi Nagar,
Ramanathapuram District. ... Appellants/Appellants/Defendants

Vs.**Kadhar Ammal ... Respondent/Respondent/Plaintiff**

Prayer: The Second Appeal is filed under Section 100 C.P.C. to set aside the judgment and decree dated 28.01.2014 made in A.S.No. 55 of 2012 on the file of the Learned Sub Court, Paramakudi, confirming the judgment and decree dated 24.07.2007 made in O.S.No.146 of 2005 on the file of the Learned District Munsif Court, Paramakudi.

For Appellants	: Mr.A.K.Baskara Pandian Additional Government Pleader
For Respondent	: Mr.Mohamed Ibram Saibu For Ajmal Associates

**J U D G M E N T**

The suit in O.S. 146 of 2005 on the file the learned Sub Judge, Paramakudi has been filed for declaration and title. Having suffered successive decrees upholding the rights of the plaintiff, the defendants have come forward with this Second Appeal.

2. Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel for the respondent.

3. The plaintiff claims title for 162 sq feets in Survey No.433/1 Parthibanoor Village, Ramanathapuram District under the Sale Deed dated 13.08.1990. The appellants/the defendants 4 and 5, more particularly, the Highways Department contended that the property covered under the Sale deed is part of the Highways and they have issued notice to the plaintiff for removing encroachment. In this context, the respondent/plaintiff has filed the suit for declaration and title based on the Sale deed stated above. While the plaintiff has produced the necessary evidence to prove her cause of action, the defendants have not taken any steps to discharge the onus. In these circumstances, the courts below have concurrently declared the title of the plaintiff to the suit property.

4. On perusing the papers, I find the judgment and decrees of the courts below do not warrant any interference, more particularly, when the same does not disclose any substantial questions of law.

5. In the result, the Second Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.3581 of 2017 is also dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sub Court, Paramakudi.
- 2.The District Munsif Court, Paramakudi.
- 3.The District Collector,
Ramanathapuram District, Ramanathapuram.
- 4.The Sub Collector, Kattu Paramakudi,
Sub Collector office, Paramakudi Nagar, Ramanathapuram District.
- 5.The District Collector,
Taluk Office, Gandhiji Road,
Paramakudi, Ramanathapuram District.



6.The Divisional Engineer, Highways Department,
Ramanathapuram Nagar, Ramanathapuram District.

7.The Assistant Divisional Engineer, Highways Department,
Gandhiji Road, Paramakudi Nagar, Ramanathapuram District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.58280

+1cc to AJMAL ASSOCIATES in SR. No.58242

CM/TSG

JS/SV.MMS/SAR.2/3P-10C/16.6.2017

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