

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1637 of 2002

1. Kaliyammal

2. Kathamuthu

...Appellants/Plaintiffs

Vs.

1.Arumugham

2.Elumalai

3.Janagan

4.Mayakrishnan

(1 to 4 are children of Swamikannu 1 to 3
are residing at Veliambakkam Village,
Villupuram Taluk & District)

5.The Government of Tamilnadu
represented by its District Collector
Villupuram District
Villupuram.

6. The Assistant Director
The Department of Survey Records
Villupuram Town, Villupuram District.

7.The Special Tahsildar
Natham Land Tax Scheme
Villupuram Town
Villupuram District.

...Respondents/Defendants

Prayer: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 24.08.2001, passed by the II Additional Subordinate Judge at Villupuram in A.S.No.11 of 2000 in partly reversing the judgment and decree dated 30.09.1999 passed by the Principal District Munsiff, Villupuram in O.S.No.624 of 1997.

For Appellants : Mr.V. Raghavachari

For Respondents

1 to 4

: Mr.T. Dhanyakumar

For Respondents
5, 6 & 7

: Mr.A. Devnarendran
Government Advocate

J U D G M E N T

The plaintiffs have filed the suit in O.S.No.624 of 1997 for declaration, to declare that the "B" schedule property belonged to the plaintiffs for cancellation of entries of "B" Schedule property from the Patta issued to the defendants 1 to 3 and for permanent injunction restraining the defendants 1 to 3 from interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

2. The plaintiffs have filed the suit in O.S.No.624 of 1997 before the learned Principal District Munsiff Judge, Villupuram, and the said suit was dismissed. As against which the plaintiffs filed an appeal before the II Additional Subordinate Judge, Villupuram in A.S.No.11 of 2000. The II Additional Subordinate Judge, Villupuram, partly allowed the said appeal with regard to the relief of declaration and permanent injunction. However, consequential relief was negatived. As against the said judgement, the plaintiffs have filed the Second Appeal before this Court.

3. The learned counsel appearing for the appellants would submit that though the II Additional Subordinate Judge, Villupuram, granted declaratory relief that the plaintiffs are entitled to get the "B" Schedule property, however, the plea for cancellation of entries made in the Patta by the plaintiffs was rejected.

4. This Court is of the view that the appellants have to be given liberty to approach the appropriate authority for filing a petition to cancel the entries made in the Patta.

5. Accordingly, the judgment and decree passed by the II Additional Subordinate Judge, Villupuram in A.S.No.11 of 2000 dated 24.08.2001, is confirmed and the Second Appeal is disposed of with the liberty to the appellants to approach the concerned authority, viz., Tahsildar for cancellation of entries made in the Patta.

Sd/-

Assistant Registrar (CS-iii)

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Sub Assistant Registrar

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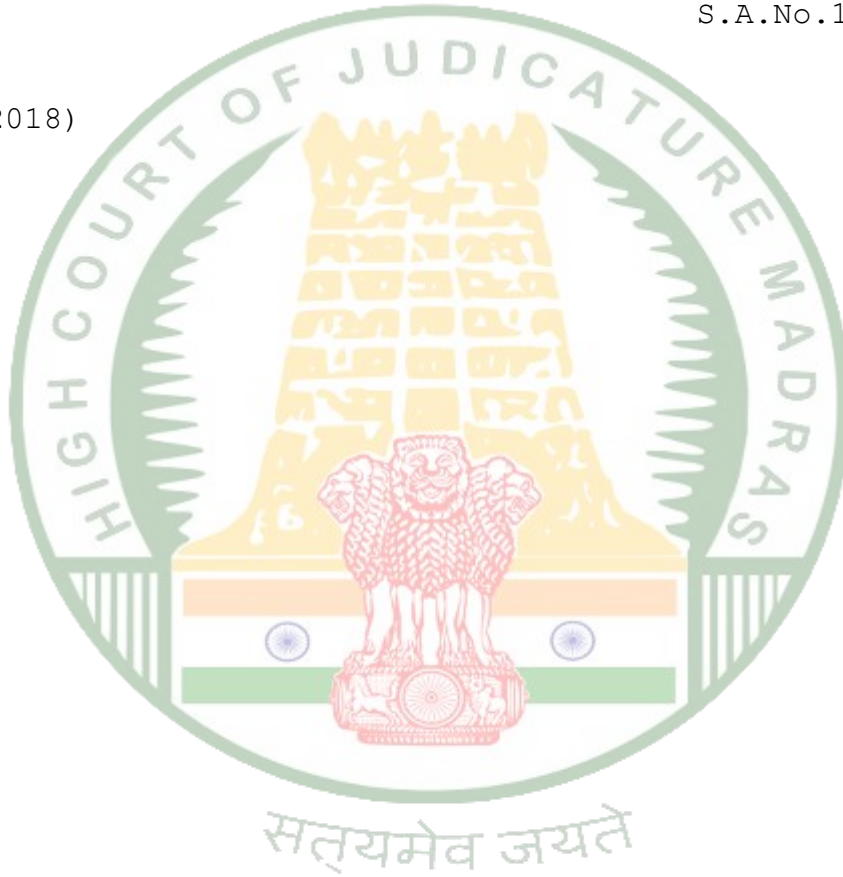
To

1. The II Additional Subordinate Judge, Villupuram.
2. The Principal District Munsiff, Villupuram.
3. The Section Officer, V.R. Section,
High Court, Madras.(2 copies)

+1cc to Mr.V.RAGHAVACHARI, Advocate, S.R.No. 21659
+1cc to the Special Government Pleader, S.R.No. 21825

S.A.No.1637 of 2002

sr(CO)
TR(13/04/2018)



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