



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

S.A.No.985 of 2009
and
M.P.Nos.1 to 3 of 2012

D.Chandrakasan .. Appellant/Appellant/Plaintiff
Vs.

1.The State
rep.by its
District Collector,
Ariyalur
Perambalur District.

2.The Tahsildar,
Ariyalur Taluk,
Ariyalur,
Perambalur District.

.. Respondents/Respondents/Defendants

PRAYER: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree made in A.S.No.71 of 2002 dated 26.06.2006 passed by the Sub Court, Ariyalur dismissing the appeal confirming the Decree and Judgment in O.S.No.271 of 1991 dated 13.12.1999 passed by the Additional District Munsif, Ariyalur.

For Appellant : No appearance

For Respondents : :Mr.N.Manikandan,
Spl.GP (CS)

J U D G M E N T

(The case has been heard through video conference)

This Second Appeal is preferred against the concurrent findings of the Courts below filed against the State seeking permanent injunction based on the possession.

2. According to the plaintiff, the suit property in possession of his family for generations therefore the 1st defendant/ the Collector of Trichy and the 2nd defendant/Tahsildar of Ariyalur should not interfere with his peaceful possession and enjoyment of the property.



3. The Tahsildar attached to Ariyalur Taluk has filed written statement, in which, it has been specifically stated that the suit property belongs to the State and the plaintiff is a trespasser. Before filing the suit, the statutory notice under Section 80 of CPC., was not issued. To grab the Government property, the plaintiff has obstructed the suit portion by laying fence and claiming as if he has been in possession and enjoyment for several years. The other contention alleging motive against the ruling party members denied as invented just to grab the Government land.

4. The trial Court, after considering the rival submissions and evidences, has dismissed the suit and on appeal same was confirmed by the lower appellate Court.

5. The suit filed for injunction against the Government land without evidence and without causing pre-suit notice, per se not maintainable and the judgment and decree of the Courts below is proper. No merit in this appeal. Hence, this Second Appeal is dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rpl

To:-

1.The Sub Court,
Ariyalur.

2.The Additional District Munsif,
Ariyalur.

Copy to:
The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Additional Government Pleader(CS, S.R.No.34403

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KJ(CO)
CB(16/08/2021)