

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.12.2016

PRONOUNCED ON : 31.08.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S.No.554 of 2005

A/m. Marundeerswarar Thirukoil
rep. by its Executive Officer

..Plaintiff

Vs.

Tamil Nadu Housing Board
represented by its
Chairman & Managing Director

..Defendant

PRAYER : Civil suit is filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of C.P.C. praying for the following reliefs:-

- (a) for recovery of possession of Schedule "A" mentioned land;
- (b) for recovery of possession of Schedule "B" mentioned land;
- (c) for damages for use and occupation from date of plaint till date of recovery of possession at the rate of Rs.30,000/- per month;
- (d) for costs of the suit;
- (e) such other relief/s as this Court may deem fit in the circumstances of the case.

For Plaintiff : Mr.V.Lakshminarayanan

For Defendant : Mr.R.Jayaseelan

J U D G E M E N T

The civil suit is filed by the plaintiff Temple for recovery of possession and for damages.

2. The gist of the plaint filed by the plaintiff is as follows :-

(a) The Plaintiff is a public religious temple, governed by the provisions of the Hindu Religious and Charitable Endowments Act and controlled by the Hindu Religious and Charitable Endowments Department.

(b) According to the plaintiff, the temple is the sole absolute owner of the lands situated in Survey No.35/6, measuring 63 cents, Survey No.68/2 measuring 41 cents, Survey No.77/3 measuring 41 cents, Survey No.86/1 measuring 21 cents, Survey No.86/2 measuring 27 cents; Survey No.86/3 measuring 47 cents, Survey No.102/5 measuring 71 cents, Survey No.102/6 measuring 80 cents, aggregating in all 3.91 acres, located in Thiruvanmiyur Village, Chennai 600 041. The plaintiff states that these pieces of land, described in the 'A' Schedule, were encroached upon by the defendant and has been annexed to the plots belonging to the defendant and the attachment of the said pieces of land is without the consent and permission of the plaintiff temple and thus it amounts to trespass.

(c) According to the plaintiff, there was no Notification under the Land Acquisition Act or any other Act for the time being in force, in spite of which, the above mentioned lands were encroached upon by the defendant and the same has been attached to the lands belonging to the defendant and therefore, the joining and occupation of the said pieces of land amounts to illegal occupation on the part of the defendant.

(d) It is further submitted by the plaintiff that it is the sole and absolute owner of the land situated in Survey No.86/4 measuring 95 cents, located in Thiruvanniyur, Chennai-600 041, which is a subject matter of Notification under Section 4(1) of the Land Acquisition Act. This 95 cents is at the stage of Notification under Section 4(1) of the Land Acquisition Act and at that stage, the said land has been encroached upon by the defendant, thereby effectively bypassing the provisions of the Land Acquisition Act. Therefore, the plaintiff has requested the defendant to surrender possession of the above mentioned extent of 95 cents of land described in the 'B' Schedule or give the market value of the land as compensation for the land under the defendant's occupation, but the defendant has not cared to do so.

(e) The plaintiff has issued a legal notice dated 11.12.2004, to the

defendant calling upon them to surrender possession of Schedule "A" and "B" mentioned lands or else give the market value of the land as compensation, but the defendant has not taken any action, therefore, the plaintiff, was constrained to file the above civil suit for recovery of the said lands which are mentioned in the schedule to the plaint. Further according to the plaintiff, they are entitled to damages for use and occupation in respect of the schedule mentioned lands from the defendant at the rate of Rs.30,000/- per month from the date of plaint till the date of recovery of possession.

(f) Further according to the plaintiff, the lands are situated in Thiruvannamiyur and the market value of the same is not less than Rs.25 lakhs per ground. Therefore, the plaintiff is entitled to a fair return on its land but however confine its claim to Rs.30,000/- per month in spite of the fact that the lands have many locational advantages apart from being situate in a good locality.

3. The defendant - Tamil Nadu Housing Board filed its Written statement on 07.04.2010, inter alia contending as follows:

(a) The defendant contended that the lands bearing S.No.35/6

measuring 63 cents, S.No.68/2 measuring 41 cents, S.No.77/3 measuring 41 cents, S.No.86/1 measuring 21 cents, S.No.86/2 measuring 27 cents, S.No.86/3 measuring 47 cents, S.No.102/5 measuring 71 cents, S.No.102/6 measuring 80 cents aggregating in all measuring 3.91 acres located in Tiruvanmiyur Village was acquired in accordance with the land acquisition proceedings and an award has also been passed for the same.

(b) The defendant further contended that as per the revenue records the lands in S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents and S.No.77/3 measuring 41 cents were standing in the name of the plaintiff temple, S.No.86/1 measuring 21 cents was standing in the name of Mr.Namadev and the same was sold by him to Ms.Suseela and Ms.Anne, S.No.86/2 measuring 27 cents was standing in the name of Mr.Seshadri Balu and the same was sold to Ms.Vasantha, Mr.K.Narayanaswamy and K.Jayaraman, S.No.86/3 measuring 47 cents was standing in the name of Mr.Meenakshi Sundara Gurukkal and the same was sold by him to Ms.Annurdha, Mr.Balasubramaniam, R.Kabirdass, R.Ramasubramaniam and Ms.Jayalakshmi, S.No.102/5 measuring 71 cents was standing in the name of Mr.Raman and the same was sold by him to Mr.Sampoornam, R.Nanambigai, Ms.Rukmani, Ms.R.Yamuna Bai, Mr.P.Gajendran,

Ms.M.Rukmani and B.Hams, S.No.102/6 measuring 80 cents was standing in the name of Vedatri Gurukul (74.5 cents) and P.K.Srinivasan (5.5 cents) as per records and the compensation amount seems to have been deposited into the Court as per the provisions of the Land Acquisition Act.

(c) It is further contended by the defendant that the above said lands have been acquired in accordance with the Land Acquisition Proceedings and the lands have been handed over to Tamil Nadu Housing Board by the Special Tahsildar, Land Acquisition.

(d) The defendant further contended that as per records, the land in S.No.86/4 measuring 95 cents has been executed in the name of Sri Ramachandra Trust and the plaintiff is not the owner of the said property. It is further contended that the plaintiff can claim the compensation amount already deposited in the Court for the lands in S.Nos.35/6, 68/2 & 77/3 and hence there is no cause of action for maintaining the suit. The other lands mentioned by the plaintiff does not belong to the plaintiff as per revenue records and Land Acquisition proceedings. The defendant therefore prays for dismissal of the suit.

4. Based on the pleadings of both the parties, documents filed by the parties and submissions made by both the Counsel, the following issues have been framed by this Court on 16.07.2010, for trial:-

“(1) Whether the defendant encroached upon the lands situated in S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents, Survey No.77/3 measuring 41 cents, S.No.86/1 measuring 21 cents, S.No.86/2 measuring 27 cents, S.No.86/3 measuring 47 cents, S.No.102/5 measuring 71 cents and S.No.102/6 measuring 80 cents aggregating in all to 3.91 acres, Thiruvanniyur Village ?

(2) Whether the defendant encroached upon the lands situated in S.No.86/4 measuring 95 cents in Thiruvanniyur Village?

(3) Whether the alleged acquisition pleaded by the defendant is proper, valid and binding?

(4) Whether the plaintiff is entitled to recover possession?

(5) Whether the plaintiff is entitled to damages for use and occupation at Rs.30,000/- per month?

(6) Whether the acquisition allegedly done under the Land Acquisition Act in accordance with law?

(7) Does the land situated in Survey No.86/4 measuring 95 cents belong to Sri Ramachandra Trust as alleged in para 8 of the Written Statement?

(8) To what relief are the parties entitled to?"

5. After completion of pleadings, during the trial, in order to prove the case of the plaintiff, on the side of the plaintiff, one Mr.N.Balasubramanian, Executive Officer of the Plaintiff's Temple was examined as P.W.1 and through him Exhibits P1 to P3 were marked. On the side of the defendant, one Mr.N.Jaganathan, Executive Engineer and Administrative Officer of the Defendant's Board was examined as D.W.1 and through him Exhibit D1 was marked.

6. This Court heard the arguments advanced by Mr.V.Lakshminarayanan, learned counsel for the plaintiff and by Mr.R.Jayaseelan, learned counsel for the defendant and considered the

pleadings and evidence in the light of the arguments advanced on both sides.

Issue No.1:

7. The case of the plaintiff is that the plaintiff is a public religious Temple, governed by the provisions of the Hindu Religious and Charitable Endowments Act. The plaintiff is the absolute owner of the lands situated in Survey No.35/6, measuring 63 cents, Survey No.68/2 measuring 41 cents, survey No.77/3 measuring 41 cents, Survey No.86/1 measuring 21 cents, Survey No.86/2 measuring 27 cents; Survey No.86/3 measuring 47 cents, Survey No.102/5 measuring 71 cents, Survey No.102/6 measuring 80 cents, aggregating in all 3.91 acres, located in Thiruvanmiyur Village, Chennai 600 041. The defendant has encroached upon the 'A' Scheduled property belonging to the plaintiff and attached the said lands with its land without the consent and permission of the plaintiff and therefore it amounts to trespass. Further there was no Notification issued under the Land Acquisition Act and without following any other law for the time being in force, the defendant has encroached the lands and has attached with its lands and thereby the defendant is under illegal occupation on the part of the lands belonging to the plaintiff Temple.

8. The defendant would contend that the lands in S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents and S.No.77/3 measuring 41 cents alone were standing in the name of plaintiff temple and the properties in S.No.86/1 measuring 21 cents was standing in the name of Mr.Namadev and the same was sold by him to Ms.Suseela and Ms.Anne, S.No.86/2 measuring 27 cents was standing in the name of Mr.Seshadri Balu and the same was sold to Ms.Vasantha, Mr.K.Narayanaswamy and K.Jayaraman, S.No.86/3 measuring 47 cents was standing in the name of Mr.Meenakshi Sundara Gurukkal and the same was sold by him to Ms.Annurdha, Mr.Balasubramaniam, R.Kabirdass, R.Ramasubramaniam and Ms.Jayalakshmi, S.No.102/5 measuring 71 cents was standing in the name of Mr.Raman and the same was sold by him to Mr.Sampoornam, R.Nanambigai, Ms.Rukmani, Ms.R.Yamuna Bai, Mr.P.Gajendran, Ms.M.Rukmani and B.Hams, S.No.102/6 measuring 80 cents was standing in the name of Vedatri Gurukal (74.5 cents) and P.K.Srinivasan (5.5 cents) were acquired in accordance with the land acquisition proceedings and award was also passed for the same and the compensation amount was also deposited in their names before the competent Court. Thus, all the above said lands have been acquired in accordance with the Land Acquisition Act and handed over in favour of the defendant Tamil Nadu Housing Board by

the Special Tahsildar (Land Acquisition).

9. The learned counsel appearing for the plaintiff would submit that the above said properties belongs to the plaintiff Temple and in order to prove the same, he has filed Ex.P1, the certified copy of the 'A' Register and in which the above said properties are shown as the properties of the plaintiff Temple. The 'A' Register is an authenticated document which shows that the properties belongs to the plaintiff Temple. Further, the Temple has sent a legal notice through his counsel to the defendant in Ex.P2 and the defendant has also received the said notice and to prove the same the plaintiff has filed the postal acknowledgment card, which shows that the defendant has received the copy of Ex.P2 notice through Ex.P3 acknowledgment. The defendant has not sent any reply and therefore the plaintiff was constrained to file the present suit for recovery of possession and damages.

10. The learned counsel appearing for the defendant would submit that the properties in S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents and S.No.77/3 measuring 41 cents alone belongs to the plaintiff Temple, and the same was acquired in accordance with the land acquisition proceedings and award was also passed and the amount was also deposited

before the competent Court and the possession of the land was taken and therefore the defendant has not trespassed over the property.

11. Further the learned counsel appearing for the defendant would submit that the properties in S.No.86/1 measuring 21 cents, S.No.86/2 measuring 27 cents, S.No.86/3 measuring 47 cents, S.No.102/5 measuring 71 cents and S.No.102/6 measuring 80 cents do not belong to the plaintiff Temple and it belongs to the above said persons and the defendant has acquired the land through land acquisition proceedings under the Land Acquisition Act and award was also passed and the amount was also deposited and the said persons handed over possession and the defendant has also taken over possession. Therefore, as the plaintiff Temple is not the owner of the said lands the defendant is not a trespasser.

12. Though the plaintiff Temple filed the suit with reference to the above said lands stating that the property belongs to the temple, and now it has stated that that the defendant has not acquired the land in the manner known to law and no compensation was paid to the Temple and that the Temple has never handed over the possession of the lands to the defendant.

13. A perusal of Ex.P1 'A' Register would show that the above said properties covered under the above said survey numbers are the temple properties. Though the defendant has stated in his written statement that the said extent belongs to the above said persons and award passed and they handed over possession to the defendant, but the plaintiff has stated that it belongs to the Temple and also filed 'A' Register (Ex.P1) and also pre-suit notice sent through counsel and the defendant has also received the said notice but has not sent any reply. Subsequently, in the written statement the defendant has stated that the property belongs to the above mentioned private persons, but they have neither produced the Section 4(1) Notification nor the Award proceedings and also they have not produced any document to show that the said properties belongs to the said private persons. Therefore, if the defendant takes the stand that ~~admittedly~~ some of the properties under certain survey numbers viz., S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents and S.No.77/3 measuring 41 cents belongs to the temple and they acquired under land acquisition proceedings under the Land Acquisition Act, but the defendant has not produced any documents to show the said lands were acquired in accordance with law.

14. Further some of the extent covered in the survey numbers viz.,

S.No.86/1 measuring 21 cents, S.No.86/2 measuring 27 cents, S.No.86/3 measuring 47 cents, S.No.102/5 measuring 71 cents and S.No.102/6 measuring 80 cents do not belongs to the temple but to some private persons, for which also they neither produced the land acquisition proceedings nor filed any document to show that the said properties belongs to the said private persons. Even during the cross examination when a suggestion was put to P.W.1, the Executive Officer of the Temple, has stated that he was not aware that the suit lands were acquired for the formation of South Madras Neighbourhood Scheme. He has also further stated that he was also not aware that the lands have been acquired by the Government after following the procedure contemplated under the Land Acquisition Act. He also denied the suggestion that the following lands in S.No.35/6 measuring 63 cents, S.No.68/2 measuring 41 cents and S.No.77/3 measuring 41 cents have been handed over by the plaintiff Temple to the defendant and also he has denied the suggestion that the lands in other survey numbers in S.No.86/1 measuring 21 cents, S.No.86/2 measuring 27 cents, S.No.86/3 measuring 47 cents, S.No.102/5 measuring 71 cents and S.No.102/6 measuring 80 cents do not belongs to some other individuals as mentioned in the written statement but the said properties belongs only to the plaintiff Temple. Thus, he has clearly pleaded that all the above said properties belongs only to the plaintiff

Temple and P.W.1 has also deposed that the above said properties belongs to the plaintiff temple and to prove the same, they have marked 'A' Register as Ex.P1.

15. Per contra, the defendant has not produced any document and during the cross examination, D.W.1 has stated that he has gone through the plaint but he has not seen the revenue records mentioned in paragraph 6 of the written statement and he has not filed any document to show that an Award has been passed in respect of the acquisition of land as stated in the written statement. He has further stated that he has not seen any notice addressed to the plaintiff temple in the records verified by him. Further, he has admitted that the Special Tahsildar, who has acquired the land is an employee of the Tamil Nadu Housing Board and he was not working in the defendant Board but he has further stated that the said person was deputed specifically for the purpose of land acquisition. He has also admitted that only if the acquisition proceedings and award are produced before this Court, it will be possible to say whether the acquisition had happened in accordance with law. He has further admitted that in the plaint the plaintiff has stated that there is no acquisition notice received by the plaintiff, despite that they have not produced any document and they have not examined the

Special Tahsildar who was involved in the land acquisition proceedings and the notice issued under Section 4(1) of the Land Acquisition Act, the consequential proceedings, the Award passed and the compensation amount was deposited and the possession was taken in accordance with law and the other properties belonging to the private individuals were also handed over to the defendant.

16. Therefore, in the absence of examining any witness who dealt with the land acquisition proceedings and failure to mark any documents before this Court to prove that the defendant lands were acquired in accordance with law and the same were taken over based on the land acquisition proceedings and that they are in possession as owner of the properties and when it is shown in the 'A' Register that the property belongs to the plaintiff Temple, unless it's proved contrary, it has to be assumed that the property only belongs to the plaintiff Temple. Further, when the pre suit notice sent by the Temple to the defendant and the defendant has also acknowledged the said notice but has not sent any reply, this Court finds that the 'A' scheduled property belongs to the plaintiff Temple and once it is declared that the 'A' scheduled property belongs to the plaintiff Temple. The defendant has admitted that they are in possession of the 'A' schedule property and

therefore it is for the defendant to prove that the lands were acquired under the land acquisition proceedings and the defendant has taken over possession in accordance with law and that their possession is a lawful possession. This Court finds that the defendant has not produced any document and has not examined any competent witness who can speak about the land acquisition proceedings. Further, the defendant has not produced the land acquisition proceedings or Section 4(1) Notification or the Award or proof of compensation deposited before the Court and notice was also duly served to the plaintiff Temple under the land acquisition proceedings and the plaintiff Temple has also participated in the said land acquisition proceedings but the plaintiff temple has not challenged the same and that they have only handed over the possession to the defendant.

17. Therefore, in the absence of any oral or documentary evidence, the defence taken by the defendant has not been proved and therefore this issue is answered in favour of the plaintiff Temple.

Issue Nos.2 & 7:-

18. As far as the the 'B' schedule property is concerned, though the plaintiff has stated that the property belongs to the plaintiff Temple and the said property was also a subject matter of the Notification issued under

Section 4(1) of the Land Acquisition Act, the extent of 95 cents in S.No.86/4, which has been stated in the Notification issued under Section 4(1) of the Land Acquisition Act, and was encroached upon by the defendant and further bypassing the provisions of the Land Acquisition Act, they have taken over the possession of the property. The plaintiff has been requesting the defendant to surrender the said property and the defendant did not surrender the same even after notice, he has also not sent any reply and now they have stated that as per Ex.D1, the Section 4(1) Notification was withdrawn as against the 'B' Schedule property and despite the order, the property was not handed over to the Ramachandra Medical Trust and therefore now they are in possession of the property. In this regard, P.W.1 has denied the suggestion that the defendant is in no way connected with the 'B' scheduled property, since the said property has been purchased by the Ramachandra Medical Trust and they are the absolute owners and he has further stated that he was not aware that all the lands mentioned in the 'A' schedule property have been allotted to the allottee Ramachandra Educational and Medical Trust as per the letter No.1537/LA2(1)98-19, dated 24.06.1998.

19. The defendant has relied on Ex.D1, D.W.1 has admitted during the

cross examination that in respect of 'B' schedule property measuring an extent of 95 cents, the same was handed over to them by the Special Officer after acquisition. The extent of 95 cents was not physically handed over by the Special Tahsildar and the Government took a decision to hand over the above 95 cents to Ramachandra Trust and that he was not aware as to whether Ramachandra Trust wrote a letter to the Government immediately after the acquisition. He further stated that he does not know relating to Ex.D1 that the above said 95 cents in the hands of Ramachandra Trust. He has further stated that he does not know as to whether the 95 cents have been taken away from the acquisition proceedings and he filed Ex.D1 to show that certain lands have been allotted to Ramachandra Trust and he also admitted that he is not going to examine the Special Tahsildar as witness in this case. Further as per Ex.D1, the above 95 cents have been ordered to be removed from the acquisition proceedings, but it has not been done. The procedure followed in the acquisition proceedings, whether notices have been served and contents of Ex.D1 known to the Special Tahsildar and he only speaks about the above said facts. Further, he admitted that he does not know whether any document filed to show that the above said 95 cents stands in the name of Ramachandra Trust as set out in the paragraph No.8 of the written statement and that only the Special Tahsildar will know as to the

quantum, the date of deposit and the Court in which the compensation for land acquisition has been done. Further he has admitted that only the Special Tahsildar knows the facts involved in the above case and therefore he has to give the evidence. Further he has deposed that he has only seen the register in which certain entries were made in respect of the compensation relating to the acquisition of lands mentioned by him. Therefore, when he has stated that he is not directly aware about the exclusion of the 'B' schedule property from the acquisition and Ramachandra Trust has made any application before the Government and through Ex.D1 certain lands were allotted to Ramachandra Trust and that he does not know whether physical possession was handed over to them or not. Therefore, in the absence of that, they have simply stated in the written statement that they were not in possession of the property.

20. The plaintiff has stated that 'B' schedule property also belongs to the temple as shown in Ex.P1 'A' Register and though he has stated that the defendant has relied on Ex.D1, which shows that the land has been excluded from the land acquisition proceedings, but there is no evidence to show that they have taken over the land only from Ramachandra Trust and subsequently handed over the land to Ramachandra Trust and that now the

Ramachandra Trust is in possession of the property.

21. Therefore, once the 'A' Register shows that the property belongs to the plaintiff Temple and in contra to the evidence, the defendant has not produced any document to show that the property stands in the name of Ramachandra Trust and they issued Section 4(1) notification and subsequently the properties were ordered to be removed from Section 4(1) notification. Further the plaintiff has stated that D.W.1 has admitted that they do not have any record to show that the defendant has handed over the possession to the Ramachandra Trust and now the Ramachandra Trust is in possession. The defendant has neither produced any document to show that 'B' schedule property belongs to the Ramachandra Trust and they have not examined any witness or filed any document to show that defendant was only in the possession of the 'B' schedule property and has given possession to Ramachandra Trust and the land is not in the possession of the defendant. Therefore, the Issue Nos.2 and 7 are answered in favour of the plaintiff temple.

Issue Nos.3 & 6:-

22. Though the plaintiff has stated that 'A' and 'B' schedule properties

belongs to the plaintiff Temple and the defendant Board encroached the said properties and they are in possession of the property and in order to prove that they marked 'A' Register as Ex.P1 and also the pre suit notice and the acknowledgment for receipt of the pre suit notice as Ex.P2 and Ex.P3 respectively. Though the defendant has not sent any reply to the pre suit notice, in the written statement, they have stated that they admit that 'A' schedule property was in the possession of the defendant and only through land acquisition proceedings the said lands were acquired from the respective owners and handed over to the defendant Housing Board. But the plaintiff has stoutly denied that the lands were acquired in accordance with law and they have stated that the defendant is an encroacher and a trespasser and therefore filed the suit for recovery of possession and also for damages.

23. When the 'A' Register shows that all the properties were mentioned as Temple properties, the defendant has not produced any contra evidence or document, though the defendant has stated in the written statement that the lands were acquired under the Land Acquisition Act in accordance with law, but they have not produced any document or the land acquisition proceedings to show that the lands were acquired in the manner known to law. D.W.1 deposed that he is not going to examine the Special Tahsildar as

witness and also he has not produced any document like the title deeds, Section 4(1) Notification or copy of the Award or that possession was handed over to them and they have taken over the possession of the properties.

24. Therefore, in the absence of the same and as already the Issue Nos.1, 2 and 7 have been answered in favour of the plaintiff Temple, this Court finds that the defendant has not proved that the land acquisition proceedings were done in accordance with law and it will bind the plaintiff Temple. In the absence of the same, the Issue Nos.3 and 6 are answered in favour of the plaintiff temple.

Issue No.4 :-

25. Since Issue Nos.1,2,3,6 & 7 are answered in favour of the plaintiff Temple holding that the properties belongs to the plaintiff temple and the plaintiff is entitled to the relief of recovery of possession, the Issue No.4 is answered in favour of the plaintiff Temple.

Issue No.5 :-

26. The plaintiff has claimed damages for use and occupation at the rate of Rs.30,000/- per month. Though the earlier issues were held in favour

of the plaintiff Temple that the properties belongs to the plaintiff Temple and the plaintiff Temple is entitled to recovery of possession, as far as damages is concerned, the plaintiff Temple has not produced any document or let in any evidence regarding damages. Therefore, the plaintiff Temple is at liberty to take a separate proceedings with regard to damages by producing the materials. This issue is answered accordingly.

Issue No.8 :-

27. So far as this issue is concerned, it is held that the properties belongs to the plaintiff Temple and the defendant is directed to surrender possession to the plaintiff temple within a period of three months from the date of this judgement otherwise the defendant is liable to pay the prevailing market rate of the property as on date. So far as damages is concerned, the plaintiff is at liberty to take separate proceedings. This issue is answered accordingly.

28. In the result, the suit is partly decreed as indicated above. No costs.

31.08.2020

Index : Yes / No
Internet : Yes / No
kk

List of Witness examined on the side of the plaintiff

N.N.Balasubramanian - PW1

List of documents marked on the side of the plaintiff

SL. No	Exhibits	DESCRIPTION OF DOCUMENTS	DATED
1.	P1	Certified copy of land register, Thiruvanmiyur Village, S.No.35/6, 68/2, 77/3, 86/1, 86/2, 86/3 and 86/4, 102/5, 102/6.	---
2.	P2 (series)	Office copy of legal notice with postal booking slip	11.12.2004
3.	P3	Acknowledgment card	

List of Witness examined on the side of the defendant

N.Jaganathan - DW1

List of document marked on the side of the defendant

SL. No	Exhibits	DESCRIPTION OF DOCUMENTS	DATED
1.	D1	Housing and Urban Development Department of Tamil Nadu, Letter No.1537/L.A.2(1)/98-19	24.06.1998

31.08.2020
(P.V.J.)

P.VELMURUGAN, J.

kk



Pre Delivery Judgment in
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