



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 8th DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.No.3893 of 2021

and

A.No.886 of 2020

in

C.S. No.13 of 2020

A.No.886 of 2020 and A.No.3893 of 2021:

R.Jothikrishnan,
S/o.Late Dr.Rajendran,
No.10/1, Bakthavachalam Street,
Koyambedu, Chennai-600 107.

..Applicant/Plaintiff

-Versus-

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai 600 009.

2.The District Collector,
Chennai District,
Chennai.

3.The Special Tahsildar,
Aminjikarai Division,
Chennai District,
Chennai 600 029.

4.The Divisional Engineer (Highways),
Chennai Metropolitan City Development Project,
Division IV, Chennai 600 016.



5.The Divisional Engineer (Highways),
Construction and Maintenance,
Chennai City Major Roads SH-2,
Chennai 600 015.

6.The Assistant Divisional Engineer,
State Highways Construction and Maintenance,
Highway Roads Sub ~: Division,
Chennai City Major Roads, SH-2,
Chennai 600 015.

..Respondents/Defendants

A.No.886 of 2020:

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner for inspecting the suit property and demarcate 150 sq. mt in T.S.No.121/1 and also identify the remaining extent in 2235 sq.ft with the assistance of Town Surveyor and other revenue records.

A.No.3893 of 2021:

Application praying that this Hon'ble Court be pleased to receive additional documents set out in the schedule to the petition as additional evidence in the above suit.

These Applications coming on this day before this Court, for hearing, the Court made the following order:

This Application has been filed to receive additional documents set out in Schedule to Judge's Summons as additional evidence in the Suit.



2. The details of the documents are as follows :

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S. No.	Date	Description	Remarks
1.	13.12.1939	Sale Deed executed in favour of P.Bakthavatchala Naidu registered as Doc.No.1824/ 1939 in SRO, Saidapet along with clean copy	Copy
2.	05.10.1944	Sale Deed executed in favour of P.Bakthavatchala Naidu registered as Doc.No.1865/1944 in SRO, Saidapet along with clean copy.	Copy
3.	30.12.1967	Sale Deed executed in favour of P.Bakthavatchala Naidu registered as Doc.No.4890/1967 in SRO, Saidapet along with clean copy.	Copy
4.		Plan showing proposed Kanagasabhai Colony.	Copy
5.	18.04.1974	Encumbrance Certificate for S.No.121, Plot No.2 for the period of 01.01.1961 to 31.05.1968	Copy
6.	18.04.1974	Encumbrance Certificate for S.No.121, Plot No.2 for the period of 01.01.1968 to 17.04.1974	Copy
7.	April 1974	Proceeding of panchayat Union Commission, Villivakkam, Ambattur, Madras.	Copy
8.	06.11.1975	Encumbrance Certificate for S. No.121, Plot No.2 for the period of 18.04.1974 to 12.11.1975.	Copy
9.	February 1988	Plan showing proposed additions to the existing dwelling building at Plot No.2 Kanagasabhai Colony.	Copy
10.	12.01.1990	Death Certificate of Mr. Rajendran	Copy
11.	18.07.2003	Encumbrance Certificate for S. No.121, Plot No.2 for the period of 01.01.1983 to 31.12.1986.	Copy
12.	18.07.2003	Encumbrance Certificate for S.No.121, Plot No.2 for the period of 01.01.1987 to 17.07.2003.	Copy



S. No.	Date	Description	Remarks
13.	27.11.2003	Plan showing proposed demolition and reconstruction of residential building at Plot No.2 Kanagasabhai Colony.	Copy
14.	05.02.2004	Building Approval issued by Chennai Corporation for at Plot No.2 Kanagasabhai Colony.	Copy
15.	26.04.2015	Death Certificate of Mrs. Kokilambal	Copy
16.	25.06.2015	Legal heir Certificate of Mrs.Kokilambal	Copy
17.	02.08.2016	Town Survey Land Register for T.S. No.27 Block No.43	Copy
18.	02.08.2016	Town Survey Land Register for T.S. No.93/1 Block No.42	Copy
19.	02.08.2016	Town Survey Land Register for T.S. No.93/0 Block No.44	Copy
20.	29.12.2018	Town Survey Land Register for T.S. No.87/1 Block No.42	Copy
21.	12.12.2019	Encumbrance Certificate for S. No.121, Plot No.2 for the period of 01.01.2000 to 11.12.2019	Copy
22.		FMB Sketch of Field No.121 Village No.106	Copy
23.		Map Showing S.No.121 is adjacent to S.No.58/122/123/124	Copy
24.	05.03.2021	Water Tax Receipt issued by Chennai Metropolitan Water and Sewage Board	Copy
25.	23.08.2020	Property Tax Receipt issued by Greater Chennai Corporation	Copy
26.	28.10.2020	RTI enquiry sent by petitioner requesting copies of TSLR, Settlement records and Conversion records for S.No.121, T.S. No.93.	Copy

3. According to the applicant/ plaintiff, from 1973 onwards the applicant/ plaintiff's predecessor in title and the applicant / plaintiff is in possession and enjoyment of the property continuously and openly to the



knowledge of the defendants even beyond the statutory period of limitation.

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4. According to the applicant/ plaintiff, he has acquired possessory title of the suit schedule property. However, the same is disputed by the defendants as seen from the written statement filed by them in the Suit. As seen from the aforementioned documents, all are public documents which the applicant/ plaintiff seeks permission of this Court for reception of those documents as additional evidence. No prejudice will be caused to the defendants if the documents are received by this Court without prejudice to the rights and contentions of the defendants in the main suit.

5. Admittedly, issues have already been framed by this Court and the suit is ripe for Trial. The rights of the defendants will no way in prejudice the interest of the defendant, if this application is allowed as they have every right to cross examine the applicant/ plaintiff as regards the proof and relevancy of the documents which have been allowed to be received by this Court.

6. The suit has been filed by the applicant/ plaintiff for declaration that he is the absolute owner of the suit schedule property. While that be so, this Court is of the considered view that the documents which the applicant/ plaintiff seeks permission of this Court to receive additional documents as additional evidence will not prejudice the right of the defendants as the

documents are all public documents. Accordingly, this application is



allowed as prayed for without prejudice to the rights and contentions of the defendants in the main suit.

7. Registry is directed to post the matter before the learned Additional Master – III for recording evidence.

8. The learned Government Advocate appearing for the respondents/ defendants would submit that the respondents have to file objections to the interim report of the Advocate Commissioner dated 25.09.2020. The respondents are permitted to file the same before the learned Additional Master – III and after recording the oral evidence of the respective parties, learned Additional Master – III is directed to post the matter before this Court.

9. Accordingly, A. No.3893 of 2021 is allowed.

Sd./-A.Q.J
08.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

JJ 22/11/2021

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.