

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.09.2021****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****S.A.(MD)No.1166 of 2005**

Perumal Samy

... Appellant /Appellant/Plaintiff

vs.

1.The Elavelangal Panchayat,
Represented by its President,
Tuticorin District.

2.The Ottapidaram Panchayat Union,
represented by its Commissioner,
Tuticorin District. ...Respondents /Respondents/Defendants

Prayer: Second appeal filed under Section 100 of C.P.C., against the judgment and decree dated 04.07.2005 made in A.S.No.9 of 2005 on the file of the Sub Court, Kovilpatti confirming the Judgment and decree dated 23.12.2004 made in O.S.No.283 of 2004, on the file of the District Munsif Court, Kovilpatti.

For Appellants : No appearance

JUDGMENT

The Second Appeal has been filed against the judgment and decree dated 04.07.2005 made in A.S.No.9 of 2005 on the file of the Sub Court, Kovilpatti confirming the Judgment and decree dated 23.12.2004 made in O.S.No.283 of 2004, on the file of the District Munsif Court, Kovilpatti.

2.When the matter is taken up for hearing today, there is no representation for the appellant.

3.The plaintiff is the appellant in this Second Appeal. The suit was one for permanent injunction and mandatory injunction. The plaintiff wanted the defendant local body not to draw water from the bore well established by it in the suit property. Even according to the plaintiff, the suit property is a Government Poramboke. The plaintiff claims that he had encroached upon the same in the year 1985 and he is remitting 'B' memo charges. It appears from the record that action had been initiated under Tamil Nadu Land Encroachment Act, 1905. The Courts below have concurrently found that the plaintiff is not entitled to relief. No substantial questions of Law arise for consideration.



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4. In view of the above, the Second appeal is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn/tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Sub Judge, Kovilpatti, Tuticorin district

2.The District Munsif, Kovilpatti, Tuticorin district

Copy to

The Section Officer, V.R.Section(2C)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.PON SENTHIL KUMARAN, Advocate (SR-28887[F] dated 13/09/2021)

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MA (CO)
KB(07.10.2021) 2P 6C