



O.A.No.232 of 2022
in C.S.No.67 of 2022

C.V.KARTHIKEYAN, J.

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The plaintiff in this application seeks an order of interim injunction restraining the respondents and it is not clear as to which respondent, from interfering with peaceful possession and enjoyment of the suit properties.

2. The plaintiff claims that he is the absolute owner of the suit properties and has laid the suit seeking declaration of title. The two plaintiffs are spouses. They claimed that they had purchased the suit property individually by two separate sale deeds, both dated 29.05.1974.

3. Their apprehension and the necessity to seek declaration of title with respect to the suit property arose because one of the plots in which they claimed to be in possession, has been classified in the revenue records as a public road.

4. It is also alleged by the authorities that the plaintiff had put up a wall across the road preventing such road being used by the general public and notice in that regard had been issued to the plaintiffs which was the immediate cause of action for institution of the suit.

5. I am really pained to note that though learned counsel entered appearance on behalf of the defendants, counter with respect to protection of Government land had not been filed on behalf of the 1st, 2nd and 4th defendants.



6. The 5th and 6th defendants have filed counter but they claimed that the property had fallen within the jurisdiction of the Chennai Corporation, in view of the extension of the boundary limits of the Chennai Corporation and that therefore, they are not aware of the specific details with respect to the suit property.

7. The 7th and 8th defendants who had preferred the complaints leading to the issuance of notice dated 01.02.2022, have filed their counter.

8. Heard Mr.K.Chandrasekaran, learned counsel for the plaintiff and Mr.R.Siddarth, learned Government Advocate (CS) for the 1st, 2nd and 4th respondents and Ms.P.Vidhya Sri for Mrs.P.T.Ramadevi, learned counsel for the 5th and 6th respondents and Mr.V.Ramana Reddy, learned counsel for the 7th and 8th respondents.

9. This is not a story which starts and ends on one particular date. There has been a series of litigation surrounding a property for which declaration of file is now sought by the plaintiff.

10. Originally, a patta which was granted in the year 1979 in favour of both the plaintiffs. They were able to get Adangal and Chitta and also mutate their names. However, there was a layout which was called the VGP Selva Nagar approved layout and plots were formed in the layout.

11. Naturally, the layout also requires roads to be laid for access for the public to the respective plots and for general movement.



12. It is the specific allegation of the respondents particularly, the 7th and 8th respondents, that Plot No.34 is actually a road and not a plot in which the residential building can be constructed. This is an aspect which can be examined only when the revenue records are produced.

13. The suit, has been filed seeking several reliefs. Quite apart from seeking the relief of declaration of title, the plaintiff has also sought that an order of the District Revenue Officer, dated 18.06.2018 has to be interfered with by this Court and also the consequential order of the 6th respondent dated 01.02.2022 whereby, the plaintiff was directed to demolish the wall which prevented access to the road.

14. The order of the District Revenue Officer, namely the 6th respondent, dated 18.06.2018 is quite revealing. It proceeds on the basis, that the present plaintiffs had claimed that patta should be granted to them with respect to the properties which are now in litigation before litigation before this Court and when the District Revenue Officer examined the revenue records, he found that the lands for which patta was sought had been classified in the revenue records as Sarkar Poramboke. The land belongs to the Government. No individual can claim title for such lands. This is the classification in the revenue records.

15. If the plaintiff claims that he had purchased Government lands then the remedy would be to proceed against his vendor who would have given an indemnify clause in the sale deed and seek necessary compensation to be paid for having conveyed Government land to the plaintiff.



17. However, calling upon the defendants to re-classify the lands from Sarkar Poramboke to patta land in the name of the plaintiff cannot be either accepted by this Court in the absence of documents produced and in the absence of trial being conducted.

18. The 2nd defendant had proceeded further and had stated that only after survey had been completed and only after the period of three years which had been held out for raising any objections such classifications were entered in the revenue records.

19. The plaintiff had not raised objections. However, as stated, there has been a series of litigation and the 7th and 8th respondents herein also filed a writ petition in W.P.No.27379 of 2017 and it is complained by the learned counsel for the 7th and 8th defendants that on receipt of the notice in the writ petition, the present suit came to be filed.

20. If the suit is for land, namely, for declaration of title and for possession of lands, then, leave should be obtained since the lands are outside the jurisdiction of this Court.

21. Leave had not been obtained before this Court.

22. I had a look at the original records and it is seen that the registry had raised an objection with respect to jurisdiction and necessity to seek leave.



23. The learned counsel for the plaintiff had then drawn reference to 2001 (7) SCC 698 [*Adcon Electronics Private Limited vs. Daulat and another*]. That was a case where specific performance was sought of an agreement and it was found that since the relief was sought only against the agreement it was not a suit for land, and leave need not be obtained from the Court.

24. Here, the suit is directly for possession of land.

25. In this connection, Section 22 of the Specific Relief Act, can also be looked at. That is a specific provision with respect to seeking relief with respect to immovable properties. There is a bar in the said provision that if such a relief had not been sought, the Court cannot grant any such relief later.

26. I would therefore, straight away place a caveat, that if at all, the plaintiff has to amend the plaint, to include the relief sought under Section 22 of the Specific Relief Act, this Court would not have jurisdiction to examine the issues raised.

27. Be that as it may, maintainability of the fact questioning the order of the District Revenue Officer by way of this suit, can be pressed by the learned counsels only when issues are framed and written statements are filed.



C.V.KARTHIKEYAN, J.

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28. Till then, the classification in the revenue records stands. The classification is that the plot is a road namely it is Government Poramboke land. Once such classification stands, this Court cannot grant any interim injunction in favour of any private individual seeking exclusive control and title over such lands which is classified as Sarkar Poramboke road.

29. In view of the above reasoning, the application stands dismissed.

13.09.2022
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