



C.S.No.216 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.216 of 2022

1.C.Chandra
2.C.Lalitha
3.J.Maheshwari

.. Plaintiffs

Versus

1.T.V.Chandrasekar

2.The Greater Chennai Corporartion
Rep by the Commissioner
'Rippon Building'
Periamet
Chennai – 3

3.The District Collector
Singaravelar Maligai
Chennai – 1

4.The District Revenue Officer
Singaravelar Maligai
Chennai – 1

5.The Tahsildar
Velachery Taluk
No.3, Gandhi Road



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1st Main Road, Velachery
Chennai – 42

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6.The Assistant Engineer
EB-Sub Division
Besant Nagar, Chennai – 90

7.The Sub Registrar
Sub-Registrar Office
Velachery

.. Defendants

Civil Suit filed under Order IV Rule 1 of Original Side Rules 1956 read with Order VII Rule 1 of CPC praying for the following judgment and decree against the defendants.

a) Declaring that the Plaintiffs are having possessory title for the suit scheduled property by virtue of their open, long and hostile possession and consequential injunction restraining defendants 2 to 6 from carrying out any name change in favour of the first defendant T.V.Chandrasekhar or his men in respect of suit schedule property.

b] Permanent injunction restraining the seventh defendant Sub-Registrar from entertaining and registering any document of conveyance or encumbrance pertaining to the suit scheduled property. Directing the Defendant to pay the costs of the suit.



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c] Permanent injunction restraining the first defendant

T.V.Chandrasekar, his men and agents from interfering with the peaceful possession and enjoyment of the plaintiffs in respect of the suit scheduled property.

d] Awarding cost

For Plaintiffs : Mr.P.T.Perumal

For defendants : Set exparte

JUDGMENT

The suit is filed for declaring that the Plaintiffs are having possessory title for the suit scheduled property and consequential injunction restraining defendants 2 to 6 from carrying out any name change in favour of the first defendant T.V.Chandrasekhar, for a permanent injunction restraining the seventh defendant Sub-Registrar from entertaining any document of conveyance or encumbrance pertaining to the suit scheduled property and permanent injunction restraining the first defendant T.V.Chandrasekar from interfering with the peaceful possession and enjoyment of the plaintiffs in respect of the suit scheduled property.



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2.The brief facts of the case of the plaintiff is as follows:

WEB COPY It is the case of the plaintiff that she purchased the suit schedule property comprising 2800 sq.ft., of land vide an unregistered sale deed. She is in occupation along with her husband and plaintiffs 2 & 3. Ration card is also issued in the year 1980 and during the year 1985, the original documents were destroyed by flood. In this regard, certificate is also issued on 06.06.1989 by the Tahsildar. The Tahsildar had also issued nativity certificate on 20.03.1989. From 31.03.1989, property taxes, water and sewerage charges were being paid regularly and continuously. It is the contention of the plaintiffs that they are in continuous possession in the suit scheduled properties, however, the first defendant recently started disputing the title. Hence, this suit has been filed for the aforesaid relief.

3. Defendants set *ex parte*. On the side of the plaintiff, the third plaintiff examined herself as P.W.1 and Ex.P.1 to Ex.P.14 were marked.

P.W.1 – Mrs.J.Maheshwari

<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
1.	1976-78	Original Ration Card issued to the plaintiffs family with	P-1



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S.No.	Date	Description of documents	Exhibit
		corrected address as Thiruvanniyur	
2.	08-06-1986-04-01-1989	Original set of subscription receipts issued by the Ganesh Nagar Residents Welfare Association	P-2
3.	20-03-1989	Original residential/nativity certificate by the Tahsildar	P-3
4.	08/05/1989	Original EB card bearing TR No.8519/8.5.59 issued to the first plaintiff	P-4
5.	06/06/1989	Photocopy of the certificate issued by the Tahsildar stating that first plaintiff lost her belongings in the floor in the year 1985.	P-5
6.	13-03-1998	Photocopy of the receipt for payment of water and sewerage charges issued by CMWSSB	P-6
7.	26-12-2001	Original residential/nativity certificate issued by the Tahsildar to the first plaintiff	P-7
8.	11/10/2018	Original property tax receipt issued in the names of plaintiffs 2 and 3 jointly by the Greater Chennai Corporation.	P-8
9.	21/09/2020	Original hand copy of the application submitted by the	P-9



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S.No.	Date	Description of documents	Exhibit
		second plaintiff to the Tahsildar seeking for issuance of patta	
10.	21/09/2020	Original hand copy of the representation sent by the second plaintiff to various higher authorities, seeking issuance of patta with acknowledgment card	P-10
11.	21/09/2020	Original hand copy of the application submitted by the third plaintiff to Tahsildar for issuing patta marking copies to higher authorities with acknowledgment card	P-11
12.	25/02/2021	Original property tax issued jointly in the name of second and third plaintiffs by Greater Chennai Corporation	P-12
13.	-	Photocopy of the EB Cards	P-13
14.	-	Original valuation report	P-14

4. Heard the learned counsel for the plaintiffs and perused the records.

5. P.W.1, in his evidence, has clearly spoken about the continuous possession of the suit scheduled property ever since the purchase in the year



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1971. Though no documents have been filed to show that the original documents have been lost, certificate issued by the Tahsildar is filed in this regard. Ex.P.1 indicate that ration card is issued in the name of the plaintiff's family. Ex.P.2 has been filed to show that the subscription receipts were issued by the first plaintiff by Ganesh Nagar Residents Welfare Association. Ex.P.3 indicate that the plaintiffs are residing the above address. Ex.P.7 and P.8 indicate that the plaintiffs are in continuous possession and paying the property taxes. Exs.P.9 to P.11 are filed to show that the plaintiffs have given application and representation to the revenue authorities seeking for issuance of patta. Ex.P.12 is filed to show that the Greater Chennai Corporation has issued property tax jointly in the name of the plaintiffs 2 and 3. Ex.P.13 is photocopy of the E.B.Cards. Ex.P.5 and other documents prove that the plaintiffs are in continuous possession in suit scheduled property. The possession of the property is also with the plaintiffs. Defendants have remained exparte. The evidence of P.W.1 and the above documents remain unchallenged. In view of the same, I am of the view that the plaintiffs are entitled to protect their possession on the basis of continuous possession.



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N.SATHISH KUMAR, J.

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6. Accordingly, the suit is decreed as prayed for with costs.

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Internet : Yes

Index : Yes / No

Speaking order / Non Speaking order

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