

CRP(PD).No.363of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.363 of 2025

- 1.Sabarinath
- 2.Vinothini
- 3.Sasikala
- 4.Kamala
- 5.Raju
- 6.Chitra
- 7.Kumaravel
- 8.Venkatesh

.. Petitioners

Vs.

- 1.Koothayee
- 2.Vijay
- 3.The District Collector
Collectorate, Salem 636 001.
- 4.Thasildar
Taluk Office, Valappadi Taluk,
Valappadi (PO), Salem District.
- 5.Village Administrative Officer
S.Valappadi Village,
Valappadi (PO), Salem District.
- 6.The Sub Registrar
Sub Registrar Office, Valappadi Taluk,
Valappadi (PO), Salem District.

... Respondents



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Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the to direct the Honble I Additional District Judge at Salem to dispose of the Interlocutory Application in IA No.2 of 2023 in OS No.716 of 2023 within a Stipulated time as framed by this Honble Court.

For Petitioner : M/s.S.Sankar

For Respondent : M/s.N.Muthuvel, Government Advocate
for R.3 to R.6

ORDER

The plaintiffs in a suit O.S.No.716 of 2023 on the file of the I Additional District Judge, Salem are the revision petitioners before this Court. They have invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking an early disposal of I.A.No.2 of 2023 filed by them in the said suit.

2. A brief facts of the case are as follows:-

3. The plaintiffs had filed the suit O.S.No.716 of 2023 on the file of the I Additional District Judge, Salem for the following reliefs:-



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(i) *By declaring that the forged sale deed dt.13.09.2023 executed by Koothayee the in defendant in favour of the 2nd defendant Vijai under document no.5459/2023 is not true and valid and not binding upon the plaintiffs and the 2nd defendant has no valid title and interest over the suit property:*

b) *Pass an order of permanent injunction by restraining preventing the defendants nos.1 & 2 and their family members from in any way alienating or transferring encumbering or otherwise disposing the suit property to anybody in any manner pending disposal of the suit:*

c) *by restraining the defendant 1 & 2 and their supporters and their family members from in any way interfering with the peaceful possession and enjoyment of the suit property by the plaintiffs by means of a permanent injunction.*

4. In the said suit, the plaintiffs had filed I.A.No.2 of 2023,



seeking an permanent injunction restraining the defendants 1 and 2 and their family members from any way alienating or transferring encumbering or otherwise disposing the suit property to anybody in any manner pending the disposal of the suit.

5. The plaintiffs in the said application would submit that the properties originally belonged to one Thoppalan @ Devaraya Padayachi who had purchased the same under a registered sale deed dated 17.10.1948. Under the said sale deed, he had purchased an extent of 2.31 acres (half share) in S.No.161/2 and a half share with a well and other easementary rights in an extent of 1.83 acres in S.No.161/3. Thereafter, under a registered sale deed dated 27.10.1948, he had purchased the suit property measuring an extent of 1.36 acres, common half share with a well in S.No.161/1, Valapaddi Village.

6. Once again, under a registered sale deed dated 09.01.1957, the said Thoppalan had purchased a quarter share with a well measuring an extent of 1.36 acres in S.No.161/1, a quarter share in an extent of 2.31 acres in S.No.161/2 and a quarter share measuring an



extent of 1.83 acres in S.No.161/3 with all other easementary rights therein.

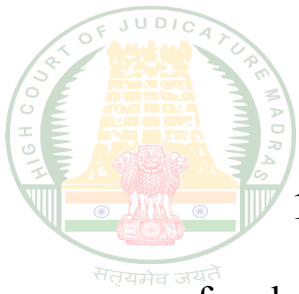
7. The said Thoppalan had died on 07.02.1973 and his wife Arukkani Ammal had pre-deceased him. On the death of the said Thoppalan, his son Angamuthu inherited the property and he had also got the revenue records mutated in his name in patta no.10. The Adangal stands in the name of Angamuthu.

8. Angamuthu had two sons, namely, Periyasamy and Alagappan @ Amirthalingam. Angamuthu's wife Valliammal had pre-deceased him and Alagappan died on 27.11.2013. His son Periyasamy died issueless as bachelor. On the death of the aforesaid persons, various family members including Alagappan's children became entitled to the property. The 1st plaintiff is the son of Alagappan, the 2nd plaintiff is his daughter and the 3rd plaintiff is his widow, the 4th plaintiff is the daughter of Angamuthu and Valliammal, the 5th plaintiff is the son-in-law of Angamuthu and Valliammal and the 6th, 7th and 8th plaintiffs are the legal heirs of Valliammal. The plaintiffs would



submit that they are the absolute owners of the suit property having right, title and interest over it.

9. Meanwhile, the 1st defendant who is in no way connected to the suit property had created a fabricated sale deed in favour of the 2nd defendant by forging the Death and Legal Heirship Certificates of Angamuthu. On 14.10.2023, the 2nd defendant had sent his supporters to the suit property to demand the plaintiffs to vacate the property. It was only thereafter that the plaintiffs came to know about the sale deed executed by the 1st defendant in favor of the 2nd defendant. In the said sale deed, the 1st defendant is described as the wife of Angamuthu. She is in no way connected with Angamuthu and Angmuthu's wife is one Valliammal. The death certificate which has been projected in the sale deed and the legal heirship certificate are rank forgeries. Therefore, the plaintiffs have come forward to institute the suits for the reliefs set out supra.



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10. The plaintiffs would contend that on the strength of this fraudulent sale deed the defendants were interfering with their peaceful possession and enjoyment of the property. Therefore, the plaintiffs had come forward with the applications seeking for a permanent injunction.

11. This application has been filed on 01.11.2023. However, the said I.A has not been taken up for hearing and is still pending consideration. The petitioner would submit that the very purpose for filing the interlocutory application would stand defeated if orders are not pronounced at the earliest. The defendant have also not taken steps to file their written statement in the above suit. In these circumstances, the plaintiffs have moved this Court seeking an early disposal of the application.

12. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 3 to 6 and perused the records.

13. Under the Code of Civil Procedure, the provisions of order



39 Rule 3A prescribes that a Court should dispose of an injunction application within 30 days. In case the court is not able to pass orders within 30 days then the reasons must be given for the same. This obligation is a statutory one. However, in most cases, these provisions are given a complete go by. The purpose of asking interim directions, particularly an injunction, is to protect the possession of the property. If a prima facie case is made out but the order of interim injunction is not granted and the hearing is prolonged, the very purpose for filing the application stands defeated.

14. Therefore, taking into consideration the above, the Civil Revision Petition is allowed and the learned I Additional District Judge, Salem is directed to dispose of I.A.No.2 of 2023 in O.S.No.716 of 2013 within a period of 2 months from the date of receipt of a copy of this order. No costs.

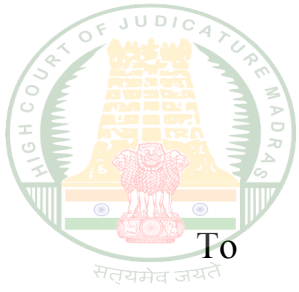
06.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

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Collectorate, Salem 636 001.

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P.T. ASHA. J.,

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