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C.S.No.932 of 2005



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.S.No.932 of 2005

A/M Marundeeswarar Thirukoil
rep by its Executive Officer

.. Plaintiff

Vs.

M/s Rajmani Builders
No.69, II Main Road,
Gandhi Nagar,
Adyar, Chennai 600 020

... Defendant

(Amended as per order dated 05.09.2007
in Application No.6032 of 2007)

Prayer: Civil Suit is filed under Order IV Rule 1 of O.S. Rules Read with order VII Rule 1 of C.P.C for the following reliefs a. for recovery of possession of schedule “A” mentioned lands b. for recovery of possession of schedule “B” mentioned lands c. for damages for use and occupation at the rate of Rs.50,000/- per month from the date of plaint till the date of recovery of possession. d. for costs of the suit e. such other reliefs as this Hon'ble Court may deem fit

For Plaintiff : Mr.S. Ravichandran,AGP

For Defendant : Set Ex-parte



JUDGMENT

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The suit has been filed by the plaintiff for the relief of the recovery of possession in respect of “A” schedule lands and “B” schedule lands along with the damages at the rate of Rs.50,000/- per month from the defendant, for the use and occupation along with cost and other reliefs.

2. The plaintiff's temple Marundeeswarar Thirukoil is represented by its Executive Officer. The defendant is not known to the plaintiff. The plaintiff claims that he is the sole and absolute owner of the vast extent of land in and around Thiruvannamiyur including the land situated in Survey No.201/1 measuring 87 cents. Relevant entries have been made in the name of the plaintiff in the revenue records. It came to the notice of the plaintiff that the defendant had constructed 3 residential apartments in the suit property measuring about 6996 Sq Ft in the name and style of Mahaveer Apartments in Block A, Block B and Block C of the schedule mentioned properties. According to the plaintiff, the defendant does not have any authority or entitlement to make such construction.



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3. The defendant's possession in the suit property is illegal. The defendant has got no manner of right over the suit property. The land situated in S.No.20/1, measuring 87 cents, even till date is shown as belonging to the plaintiff. The Executive Officer has lodged a oral protest to the representative of the defendant in person, but it is of no use. Any encumbrance made on the property by the defendant will not affect the interest of the temple. It is also seen from records that the plaintiff is entitled to the suit property to an extent of 22.440 Sq.ft and they have also filed a suit for recovery of the same and issued a legal notice on 01.02.2005 which was also received by the defendant. However, he did not come forward to resolve the issue. As the defendant is in illegal occupation of the suit property, the plaintiff is also entitled for the damages for use and occupation of the suit property at the rate of Rs.50,000/- per month from the date of petition till the date of recovery of possession.

4. Despite summon has been served on the defendants, they did not entered appearance so far. After setting aside the defendant exparte, the plaintiff examined himself as P.W.1 and three documents were marked as



Exs.P1 to P3. The point for determination is whether the plaintiff is entitled for the relief as prayed for.

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5. The plaintiff in his evidence has stated that the settlement register(Ex.A1) in respect of the suit property stands in the name of the temple. The legal notice sent to the defendant by the plaintiff's counsel and the acknowledgment card were marked as Exs.P2 and P3. The plaintiff has proved his case by virtue of Ex.P1 that the temple is the owner of the suit property and no one including the defendant shall be allowed to put up any construction over the same. If any constructions made, there are only illegal constructions. Hence, the illegal construction are liable to be demolished.

6.The plaintiff has proved that the lands have been encroached by the defendant and he has put up illegal construction. Hence the plaintiff is entitled for the relief as prayed for on the strength of the evidence adduced before the Court.



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7. Hence, the suit is decreed as prayed for. Time for delivery of vacant possession by the defendant to the plaintiff is two months. There shall be no order as to costs.

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
smn

10.09.2025



Plaintiff's side witness:

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<i>P.W.1</i>	<i>MR.B. Murugan</i>	<i>Executive officer of the plaintiff's temple</i>
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Plaintiff's side Documents:

<i>S.No.</i>	<i>Exhibits</i>	<i>Particulars</i>
1	Ex.P.1	Copy of the settlement Register, Thiruvanmaiur Village
2	Ex.P.2	Notice sent by the plaintiff's counsel to the defendant on 01.02.2005
3	Ex.P.3	Postal Acknowledgment Card

Defendant's side evidence and document – Nil

10.09.2025



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C.S.No.932 of 20



R.N.MANJULA, J.

smn

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10.09.2025