



C.S. No. 933 of 2005

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

C.S. No. 933 of 2005

A/m.Marundeeswarar Thirukoil
Rep. by Executive Officer
Thiruvanmiyur, Chennai-600041.

... Plaintiffs

Vs.

1. The Settlement Tahsildar
Office of the Commissioner for Land Reforms Ezhilagam
Chepauk, Chennai-600005.

2.T.Vedadri Gurukkal (dead)

3.T.V.Ganesan

4.T.V.Chandrasekhar

5.Thiripurasundari

6.Shobha

7.Kalpana

8.Poornima

9.Swarnalatha

... Defendants

PRAYER: Civil Suit filed under Order IV Rule 1 Original Side Rules read with Order VII Rule 1 of Code of Civil Procedure, 1908, prays for a judgment and decree against the defendants 2 to 4:-

- (i) For recovery of possession of Schedule 'A' & Schedule 'B' mentioned lands;
- (ii) For damages for use and occupation from date of plaint till date of recovery of possession at the rate of Rs.5,000/- per month; and



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(iii) For costs of the suit.

For Plaintiff : M/s.A.S.Kailasam & Associates

For Defendants : Mr.A.Venkatesan (D2)

Mr.G.Rajkumar (D3 & D4)

Mr.A.Anandan (D1)

J U D G E M E N T

An affidavit of the Executive Officer of the plaintiff has been filed.

Even as per the affidavit filed by the Executive Officer, the following facts have come to light:-

“2. I submit that the schedule property is situate at S.No.118/9 and S.No.86/4. I submit that based on the records available and enquiry made, it is observed that in the suit schedule property situate at S.No.118/9, an apartment viz., Ramaniyam Classic Rudhra, has been put up and in addition various individuals have come in possession into their respective flats. In the suit schedule property situate at S.No.86/4, a marriage convention hall viz., Sri Ramachandra Convention Centre is being put up. I submit



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WEB COPY *that the statement prepared by the Plaintiff Temple on the details of encroachers in the suit property along with the Encumbrance Certificate is filed along with the Affidavit.”*

2. Now, it reveals from the affidavit of the Executive Officer, who represents the plaintiff that in S.No.118/9, an apartment viz., Ramaniyam Classic Rudhra has been put up and in S.No.86/4, a marriage convention hall, viz., Ramachandra Convention Centre has been put up.

3. The learned counsel for the defendants, who are the contesting defendants 3 and 4, have submitted that they are neither related to Ramaniyam Classic Rudhra nor Ramachandra Convention Centre.

4. It is learnt from the submission of the learned counsel for the plaintiff Temple that D5 to D9 also the sisters of D3 and D4 and they have been impleaded as legal representatives of the deceased 2nd defendant and D5 to D9 are also not in possession of the suit property.



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WEB COPY 5. To be noted that the suit has been filed for seeking the relief of recovery of possession and damages. When none of the defendants are in possession of the suit property, it is difficult to maintain the suit against the persons, who are unnecessary parties and against whom there is no cause of action has arisen.

6. It is recorded by this Court that the defendants had already made submission that 'A' schedule property has been acquired by the Government in the year 1994 and 'B' schedule property has been sold by the D2 to D4 in the year 1996 itself. The suit has filed in the year 2005, which is subsequent to all those above transactions.

7. As no cause of action has arisen against the present defendants, the suit is not maintainable and hence, dismissed. No costs.

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