



C.S No.602 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.602 of 2013

Vels Institute of Science Technology
and Advanced Studies (VISTAS)
Represented by its Managing Trustee
Dr.Ishari Ganesh

... Plaintiff

VS.

1.The World in India Industrial Association
Rep. by its President Mr.N.R.Madhanan
No.167, Arcot Road, Vadapalani
Chennai-600 026.
2.C.E.Sathyanarayana Reddy
3.S.Selvarani

... Defendants

Prayer: Civil Suit filed under Order IV Rule 1 of O.S Rules and Order VII Rule 1 of Civil Procedure Code, praying for the following judgment and decree as against the defendants:

(a) To declare the decree dated 27.07.2000 passed in C.S No.180 of 1998 was obtained by fraud as the 1st defendant included the plaintiff's vendor right in the schedule mentioned property by way of collusive exparte decree.



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(b) To consequently declare the sale deed dated 19.11.2003 registered as Document No.3209 of 2003 on the file of SRO, Tiruporur executed in favour of the 1st defendant in respect of the schedule mentioned property as sham and nominal and not binding on the plaintiff.

Consequently, declare that the sale deed bearing Doc.No.3838 of 2009 dated 23.10.2009 on the file of SRO, Tiruporur executed in favour of the third defendant by the first defendant as sham and nominal in respect of Survey No.156 with an extent of Ac.4.24 cents situate at Thazhambur Village.

(c) For a permanent injunction restraining the defendants, their men, agents, representatives or any other persons claiming through them from interfering with the plaintiff's peaceful possession and enjoyment of the schedule mentioned property.

(d) For a permanent injunction restraining the defendants 1 and 3, their men, agents, representatives or any other persons from creating any further encumbrance over the schedule mentioned property.

(e) for costs.

For Plaintiff : Mr.V.Meenakshi Sundaram

For Defendants : Set exparte



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JUDGMENT

This Civil Suit has been filed for declarations, permanent injunctions and for costs.

2.0 The brief facts of the case of the plaintiff are as follows:

The plaintiff is a Public Charitable Trust formed for the purpose of running educational institutions and the same has been registered under the Indian Trust Act. The plaintiff has acquired the land of an extent of 10.22 acres comprised in Survey Nos.156, 154/4 and 157 situated in No.31, Thalambur Village, Chengapattu Taluk, Kancheepuram District, along with existing buildings constructed thereon by way of a gift deed dated 03.03.2010 registered as Document No.3445 of 2010 on the file of SRO, Tiruporur and the said lands are in absolute possession and enjoyment of the plaintiff herein. The schedule mentioned property formed a major extent of land, originally owned by the Joint Family of C.Perumalsamy Reddy which consisted of the said C.Perumalsamy Reddy and his two brothers C.Govindaraju Reddy and C.Ethirajulu Reddy (C.E.Reddy) Thalambur

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Village was one of the notified villages under the Estate Abolition Act 1948. During 1930, the said C.Perumalsamy Reddy purchased a huge extent of lands in a court auction in the said Thazhambur Village. This become among other property of the joint family comprising the above members. The said Perumalsamy Reddy and his brothers effected a Koorchit Partition dated 22.10.1958 under which the lands in Thalambur Village came to the share of younger brother C.E.Reddy. After the demise of Perumalsamy Reddy, there were certain disputes in the said family resulting in a suit for partition filed before this Court in C.S No.30 of 1960. Pending the suit, settlement proceedings commenced under the Act 26/1948 i.e in the year 1961 (Fasli 1361) and in view of the continuation of the said family disputes, the matter went without proper representation resulting in patta being granted only for a certain extent of lands, while a larger extent was treated as Anadheenam lands. Subsequently, the suit for partition was settled confirming the earlier koorchit and the Thalambur lands were allotted to the share of the said C.E Reddy. One of the legal heirs of the deceased C.E Reddy, the 2nd defendant herein viz., C.Sathyanarayana Reddy applied for grant of patta for the said Anadheenam lands. Though the



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Assistant Settlement Officer, the Director of Survey and Settlement and the

Special Commissioner and Commissioner of Land Administration, Chepauk

admitted and held that these lands were private lands of family, rejected the claim for patta stating that it was belated. Thereafter, the 2nd defendant preferred a revision to the Government and the Government also condoned the delay vide G.O.Ms. No.239 Revenue (SSI) dated 19.03.1996 and directed the District Revenue Officer to examine the request on merits with reference to the guidelines issued on G.O.Ms.No.1300 Revenue dated 30.04.1971.

2.01. Mrs.Sulochana along with other legal heirs filed W.P.No.9951/1996 before this Court, seeking directions to include them also in the process of grant of patta. This Court vide its order dated 20.02.1997 directed the Government that the other legal heirs who were the petitioners in the said Writ Petition should be heard , and orders be passed within three months. Ultimately, the Special Commissioner and Commissioner of Land Administration, by his order dated K3/17322/98 dated 25.9.1998 held that all the parties have an equal share, subject to the



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ceiling of 15 standard acres in each one's holding. Pursuant to which, the

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patta to the respective owners/legal heirs of C.E Reddy in the Survey numbers given below:

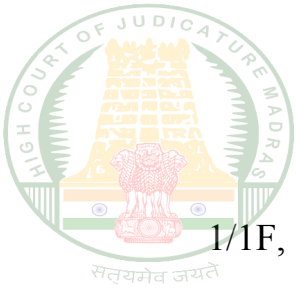
a) Patta bearing No.700 in the name of Mrs.C.E.Sulochana W/o.C.E.Reddy: Land comprised in Survey Nos.144/1, 167/1, 172/1, 173, 177/2A,181/1, 181/2A, 182, 183/2A and 122/1C.

b) Patta bearing No.701 in the name of C.E.Suryanarayanan, S/o.C.E.Reddy: Land comprised in Survey Nos.138, 1 42, 148/1, 148/3, 154/1, 154/4, 157, 162/2, 169/1,169/2, 1693/3 and 174.

c) Patta bearing No.702 in the name of Mrs.Samyuktha Paramahamsan D/o.C.E.Reddy: Land comprised in S.Nos.161/1, 165/2, 159, 170/3, 171/2, 175, 176/1, 176/2, 179/1, 179/2, 180/1, 180/2.

d) Patta bearing No.703 in the name of Mrs.Lakshmi Banu, D/o.C.E.Reddy : Land comprised in S.Nos.135/1, 145/1, 145/3, 146, 149, 150, 156, 162/3, 163/3, 177/1A, 178/1A, 178/2, 184/1, 122/1B and 122/2.

e) Patta bearing No.704 in the name of C.E.Sathyanarayana Reddy, S/o.C.E.Reddy: Land comprised in Survey Nos.1/1A, 1/1D, 1/1C, 1/1E,



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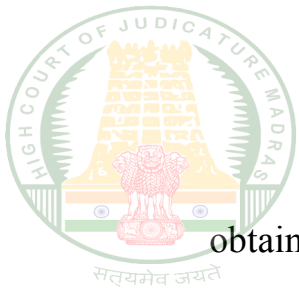
1/1F, 86 part in addition to his earlier Patta bearing No.106 comprising S.Nos.35/3, 57/1, 58/1, 58/2, 58/3, 59/2, 59/3, 59/6, 61/2, 62/2, 62/3, 62/4, 62/5, 62/6, 62/7, 62/8 and 64/1. Subsequently, the Government has passed another G.O.Ms. No.164 dated 23.03.2000 cancelling the earlier G.O.Ms.No.239 dated 19.03.1996 condoning the delay. This was challenged by way of W.P.No.6525 of 2000 filed by C.E.Sulochana and W.P.No.6165 of 2000 and W.P.&346 of 2000 filed by other family members. This Court vide its detailed order dated 13.05.2003 allowed all the writ petitions thereby upholding the order of Commissioner of Land Administration dated 25.09.1998. Against which, the Government preferred an appeal in W.A.No.2785 to 2787 of 2003 which was dismissed by the Division Bench of this Court dated 27.04.2004. Therefore, all the proceedings pertaining to the said lands including the present suit lands reached its finality. The orders of the Special Commissioner and Commissioner of Land and Administration dated 25.09.1998 and the proceedings of Tahsildar, Chengalpattu in RC/1398/94 B2 dated 18.12.1998 granting patta have thus become final.

2.02. After the demise of C.E Reddy, his son C.E.Sathyanarayana



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Reddy, the 2nd defendant herein who alleged to have been entered into an agreement of sale with the 1st defendant herein, had been attempting to usurp the entire extent of land but fortunately, the alertness of the other family members prevented him from grabbing their shares in the said property. The 2nd defendant with a view to grab the lands which had been allotted to the other members of the family appears to have colluded with the 1st defendant. The 1st and 2nd defendants had devised a devious plan by which a suit bearing C.S No.180 of 1998 was filed by the first plaintiff against the 2nd defendant herein, directing him to execute and register sale deeds for the balance 142 acres and 29-1/2 cents morefully described in the schedule in favour of the plaintiff's association or its members on payment of balance sale consideration of Rs.40,56,500/-. The above suit based on so-called resolution purported to have been passed by the 1st defendant herein on 26.11.1989 at a meeting chaired by the 2nd defendant who is not a member of the 1st defendant. The alleged resolution also shows that the 2nd defendant had admitted that he had no title to the extent promised to be conveyed but at the same time he had given an assurance that the land in question would be conveyed as and when he



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obtained title. During the settlement proceedings, the subject lands comprised in Survey Nos.86/1 and 86/2 were subdivided into several survey numbers and apart from a small extent in S.No.86 revised Survey Nos.130 to 157 of different extents were given. The revision of survey numbers were also incorporated in the Revenue Records, Settlement A Register, Village Map, Field Measurement Book etc in early 1980's. Hence the Survey Nos.86/1 and 86/2 were not in existence at the time of the alleged agreement entered into between the 1st and 2nd defendants.

2.03. The order of Special Commissioner and Commissioner of Land Administration dated 25.09.1998 which was up held by a Division Bench of this Court on 27.04.2004 in W.A No.2785 to 2787 of 2003 allotted an extent of 15 Standard Acres comprised in 1/1A, 1/1B, 1/1C, 1/1E and 1/1F an extent of 5.00 acres each. The 2nd defendant herein was also allotted an extent of 2.88 acres in S.No.86 Part vide Patta No.704. In addition to the extents aforesaid, he already owns lands in S.Nos.35/3, 57/1, 58/1, 58/2, 58/3, 59/2, 59/3, 59/6, 61/2, 62/2, 62/3, 62/4, 62/5, 62/6, 62/7, 62/8 and 64/1 comprising an extent of 17 acres of wet lands covered by Patta No.106. Thus, the 2nd defendant had title only in respect of the lands for which

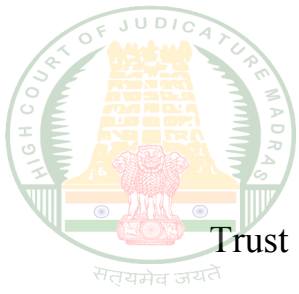


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pattas issued to him. Apart from the fraud committed by the defendants 1 and 2 before this Court, the suit itself was barred by constructive res judicata and limitation. It appears that the 1st defendant herein had also filed a suit in C.S No.151 of 1984 against the 2nd defendant for a permanent injunction restraining him from alienating the property promised by him to be conveyed and the averments made in the said suit show that the entire cause of action is based on the resolution dated 26.11.1989. Unfortunately, by adopting a fraudulent method, the defendants 1 and 2 have succeeded in duping this Court and have obtained a decree pursuant to which a sale deed has been executed by the officer of this Court on 19.11.2003. Both the decree and sale deed are vitiated by fraud as the 2nd defendant had no title to the suit property, no right was conveyed to the 1st defendant by the sale deed bearing document No.3209 of 2003 dated 19.11.2003 executed by this Court.

2.04. The land of an extent of 2.73 acres comprised in Survey No.154/4 and land of an extent of 2.75 acres comprised in Survey No.157 situated at No.31, Thalambur Village, Chengalpattu Taluk, Kancheepuram District was originally purchased by M/s.Balaji Charitable and Educational

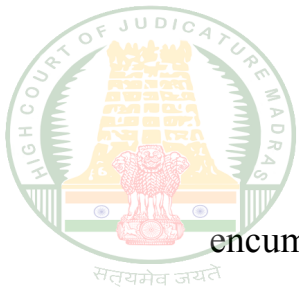


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Trust from one of the legal heirs of late C.E.Reddy namely C.E.Suriyanarayanan, under a registered sale deed dated 14.07.1999 bearing document No.1460 of 1999 on the file of SRO, Tiruporur. The said M/s.Balaji Charitable & Educational Trust had also purchased the land of an extent of 4.74 acres comprised in S.No.156 situated at No.31, Thalambur Village from one Mrs.A.Usha under a registered sale dated 12.07.1999 bearing Document No.1459 of 1999 on the file of SRO, Tiruporur. The said Usha had purchased the said land comprised in Survey No.156 from one Lakshmi Banu, daughter of late C.E.Reddy in and by a deed of sale dated 07.01.1999 registered as Document No.77 of 1999 on the file of SRO, Tiruporur. Subsequent to the said purchase, M/s.Balaji Charitable and Educational Trust obtained patta pertaining to the said properties. The plaintiff herein acquired the land, total extent of 10.22 acres comprised in Survey No.154/4, 156 and 157 situated in the said Thalambur Village, Chengalpattu Taluk, Kancheepuram District from the said M/s.Balaji Charitable & Educational Trust as mentioned above and now the plaintiff is in absolute possession and enjoyment of the said property.

2.05. On 02.12.2010, when the plaintiff have applied for



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encumbrance certificate in respect of the said property, they came to know that the 1st defendant has conveyed the land of an extent of 4.24 acres comprised in Survey No.156 of Thalambur Village to and in favour of the 3rd defendant herein vide sale deed dated 23.10.2009 registered as Document No.3838 of 2009 on the file of SRO, Tiruporur. After verifying the records pertaining to the aforesaid property, the plaintiff came to know that a sale deed had been executed on 19.11.2003 by an officer of this Court in favour of the 1st defendant. The above document No.3838 of 2009 dated 23.10.2009 on the file of SRO, Tiruporur executed in favour of the 3rd defendant is pending under proceedings u/s.47 of Registration Act and the plaintiff understand that the above said document has not been released so far by the Sub Registrar Office. In C.S No.180 of 1998, the 1st defendant had sought for a decree directing the 2nd defendant or an officer of this Court to execute sale deeds in favour of its members for the lands comprised in Survey Nos.74, 86/1, and 86/2, in Thalambur Village. Unfortunately, the sale deed executed by an officer of this Court on 19.11.2003 in favour of the Association which is beyond the scope and relief granted. It also fortifies the suspicion of the plaintiff that the



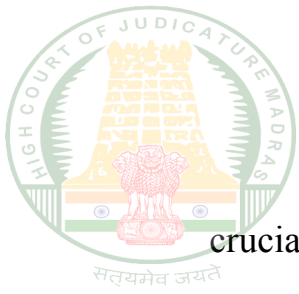
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Association itself is a bogus one and the beneficiaries of the decree which has been obtained by fraud are the defendants 1 and 2. While the Court had executed the sale deed in favour of the 1st defendant herein for the lands in S.Nos.74, 86/1, 86/2 in Thazhambur Village, the 1st defendant has now conveniently correlated those survey numbers to the present survey numbers from 130 to 157 and conveyed the lands to the 3rd defendant. Hence the suit.

3.0. The brief averments made in the written statement filed by the 2nd defendant are as follows:

The allegation in the plaint are legally unsustainable and factually unfounded. The plaintiff is not entitled to the suit relief as prayed for. It is true that the family of defendant no.2 owned the suit lands. But all the family members of defendant no.2 are not entitled to the subject matter of litigation as contended by the plaintiffs. No partition among his family members took place dividing the properties by metes and bounds to claim ownership. The defendant's brother, sisters and mother have had no right or title to the suit lands in view of the provisions of Tamil Nadu Land Reforms (fixation of ceiling on land) Act 58/61 as amended by Act 17/70. The



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crucial date as per the above Act was 15.02.1970. As on 15.02.1970, the 2nd defendant alone was a major entitled to hold and possess 15 standard acres of lands. The rest of family holding became surplus. The two sisters of defendant's namely Samuktha and Laskhmi Banu remained unmarried as on 15.02.1970. The 2nd defendant's brother was a minor as on 15.02.1970. As the 2nd defendant was a major, he was alone entitled to 15 standard acres of land as per Sec.5(1)(a) of the Act. The family as on 15.12.1970 after the death of father was consisting 2nd defendant, his minor brother, 2 unmarried sisters and and mother.

Sec.3(14) of the Ceiling Act runs as follows:

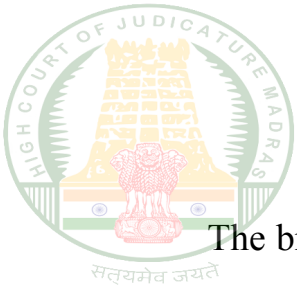
(14) "family" in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her.

(Explanation I. - For the purpose of this clause, in the case of persons governed by Hindu Law, "minor sons", "minor grandsons" shall not include sons or grandsons:-

(Explanation II. - For the purpose of this clause:

(a) in the case of persons governed by Hindu Law, "unmarried daughters" and "unmarried granddaughters" shall not include "unmarried daughters" or "unmarried granddaughters".

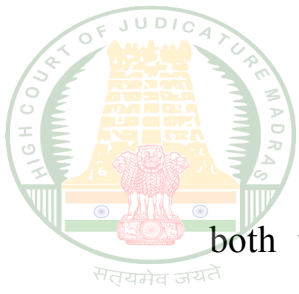
3.01. On the basis of patta issued, the plaintiff cannot claim any title.



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The brother and sisters of 2nd defendant including mother cannot claim any right or title for the suit lands on the basis of patta. It is true that the plaintiff is a public charitable trust. But it had no right to acquire or hold 10.22 acre as per gift deed dated 03.03.2010. After 1.3.1972, permission has to be obtained by the plaintiff from the government to hold or acquire land and the ownership claimed by the trust would certainly render cancellation of affiliation given by the university to run educational institutions. The transfer of gift deed dated 3.3.2010 in respect of suit lands suffers due to legal infirmity in view of Sec.37(B) of the Act. Under Sec.20(a) the government can declare the gift deed as void. Subsequently, Act 23/2010 came to be passed. The rules were amended. The period for validation of illegal transfer was fixed at 180 days. It is understood that this benefit given was not availed of by the plaintiff. The plaintiff has not averred in para no.2 of plaint that it was empowered or permission was granted by the government to the trust(s) to acquire or hold the suit lands. The acquisition, on plaint allegations was illegal. The plaintiff has been in possession of the land that belongs to the government. As the trust (both donor and donee) was not the owner of the suit lands, the affiliation given to



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both to run the college(s) is liable to be cancelled forthwith and the government can at any time declare the transfer of land as void u/s.20(a).

3.02. Similarly, the plaintiff's donor did not have valid title to the suit land as no permission to hold the lands under the Act has been pleaded. In other words, the plaintiff has been contending that Balaji Charitable Educational Trust had purchased the suit land from the defendant's brother and sisters as per sale deeds dated 7.1.1999, 12.7.1999 and 14.07.1999. The sale deeds referred in para No.16 of the plaint are null and void. The vendors to Balaji Trust have had no alienable right or title for the lands. They were legally incompetent to sell the lands to the above Trust as per Sec.3(14) of Land Reforms Act. The allotment of 15 Std. Acre to each member as per order dated 25.09.1998 was perse illegal and the alienation(s) made by them as though they were owners was abinitio void. The excess lands belonging to the family over and above the ceiling limit had vested as on 15.02.1970 with the government. The order passed by the Special Commissioner contrary to law cannot be upheld or be appreciated. The provisions of Land Reforms (fixation of ceiling on land) Act (Act 58 of 1961) have been deliberately violated in this regard. Any order passed



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contrary to law is liable to be set aside or declared void. The order passed thus by the Land Commissioner dated 25.09.1998 lacks legal or factual foundation. The decision rendered by the Land Commissioner in the matter of allotment of 15 Std. Ac. to all members and the follow up action taken suffer due to principle of "per incurium" and will not advance plaintiffs case. The sale deeds executed by the family members will not clothe Balaji Trust with title, consequently the plaintiff has no title nor case for consideration by this Court. Even assuming Balaji Trust had acquired permission or exemption from the government under the Act u/s.37(b), the land belonging to it cannot be donated to the plaintiff. It amounts to violation of condition and the permission given is liable to be cancelled. Its vendors had no title. In short neither the plaintiff nor its donor nor vendors to the donor can pretend title for the suit lands. The plaintiff it is reliably understood has not so far obtained permission from the government to acquire or hold the suit land. All seem to adopt the policy of "come what may".

3.03. Since the government interest in the land has been suppressed and illegality was committed in the transfer of government lands, affiliation



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given to the plaintiff to run the institution is liable for cancellation at any time in future. The allegations in Para Nos.3, 4, 5 and 6 in the plaint are not admitted. The allegations in para Nos.7 and 8 in the plaint will not give any right to the brother and sisters of defendant No.2 to make any alienation. The order of Special Commissioner dated 25.09.1998 cannot run contrary to law and law alone will prevail. The observation that all parties referred are each entitled to 15 standard acre was not correct nor was legal. On that basis the brother and sisters including mother cannot claim right and title for 15 standard acres. There cannot be any estoppel against statute. The patta purported to have been given or transferred or obtained was illegal and without jurisdiction. The 2nd defendant does not dispute the order passed by the Special Commissioner. But the question is whether the order dated 25.09.1998 passed granting 15 Std. Acre to all members of family was valid and legally enforceable. The issue has to be determined by this Court. The order was passed by the Land Commissioner for obvious reasons and the alienations made have to be tested in the teeth of various provisions under Act 58/61 as amended by 17/70.



4. Based on the aforesaid pleadings, the following issues are framed

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1) Whether the order of the Special Commissioner and Commissioner of Land and Administration dated 25.09.1998 granting 15 standard acres to all members of family was valid and legally enforceable?

2) Whether the gift deed dated 03.03.2010 in respect of suit lands suffers due to legal infirmity in view of Section 37-B of the Tamil Nadu Land Reforms (fixation of ceiling on land) Act, 1961?

3) Whether the plaintiff is entitled for the relief of declaration that the decree dated 27.07.2000 in C.S No.180 of 1998 was obtained by fraud?

4) Whether the plaintiff is entitled for the relief of declaration that the sale deed dated 19.11.2003 registered as Document No.3209 of 2003 on the file of SRO, Thiruporur executed in favour of the first defendant in respect of suit property as sham and nominal and not binding on the plaintiff?

5) Whether the plaintiff is entitled for the relief of declaration that the sale deed dated 23.10.2009 registered as Document No.3838 of 2009 on the file of SRO, Tiruporur executed in favour of the third defendant by the first defendant as sham and nominal in respect of Survey No.156 with an extent of 4.24 acres situated at Thazhambur Village?



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6) Whether the plaintiff is entitled for the relief of permanent injunction restraining the defendants, their men etc., from interfering with the plaintiff's peaceful possession and enjoyment of the suit property?

7) Whether the plaintiff is entitled for a permanent injunction restraining the defendants 1 and 3, their men etc from creating any further encumbrance over the suit properties?

8) To what relief, the plaintiff is entitled?

5. After filing the written statement of 2nd defendant, issues were framed on 20.01.2021. Thereafter, the 2nd defendant did not enter appearance before this Court, and hence he was set exparte on 20.09.2023. Though summons was served on the defendants 1 and 3, they did not enter appearance before this Court, inspite of several opportunities and hence the defendants 1 and 3 were set exparte 07.11.2024.

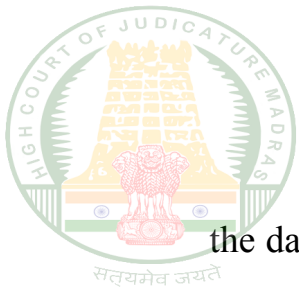
6. On the side of the plaintiff, the General Manager of the plaintiff was examined as P.W.1 and Ex.P.1 to Ex.P.29 were marked.

7. Heard the learned counsel for the plaintiff and also perused the



8. The plaintiff Trust has filed Proof Affidavit reiterating the plaint averments and the General Manager of the plaintiff Trust namely, Mr.V.Venkatasubramanian was also examined as PW1, besides marking twenty nine documents, namely, Ex.P1 to Ex.P29. Ex.P1 is the certified true copy of the Board Resolution authorising the said Venkatasubramanian to adduce evidence on behalf of the plaintiff Trust.

9. The learned counsel for the plaintiff contended that the plaintiff has acquired the suit schedule property measuring to an extent of 10.22 acres by way of a gift deed dated 03.03.2010 from one M/s.Balaji Charitable and Educational Trust. To prove the same, the gift deed is marked as Ex.P8. He further contended that the said Balaji Charitable Educational Trust had purchased the suit land from the 2nd defendant's brother and sister as per sale deeds dated 7.1.1999, 12.7.1999 and 14.07.1999. Ex.P4 is the certified copy of sale deed dated 07.01.1999 executed by Mrs.Lakshmi Banu, who is



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the daughter of late C.E.Reddy in favour of A.Usha vide doc.No.77 of 1999

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on the file of SRO, Thiruporur. Ex.P5 is the certified copy of sale deed dated 12.07.1999, executed by A.Usha in favour of M/s.Balaji Charitable & Educational Trust vide doc.no.1459/1999 on the file of SRO, Thiruporur. Earlier, the plaintiff's vendor M/s.Balaji Charitable and Educational Trust had purchased the land measuring to an extent of 2.73 acres comprised in Surveyt No.154/4 and an extent of 2.75 acres comprised in Survey No.157 situated at Thalambur Village, Chengalpattu Taluk from one C.E.Suryanarayanan, who is the brother of 2nd defendant. To prove the same, certified copy of sale deed dated 14.07.1999 is marked as Ex.P6 and the certified copy of patta dated 28.10.1999 issued in the name of Balaji Charitable and Educational Trust is marked as Ex.P29. On 04.06.2010, when the plaintiff have applied for encumbrance certificate in respect of the aforesaid property, they came to know that the first defendant has conveyed the land measuring an extent of 4.24 acres comprised in Survey No.156 of the said Thalambur Village to and in favour of the 3rd defendant herein. To prove the same, the sale deed dated 23.10.2009 is marked as Ex.P7. He further submitted that in C.S No.180 of 1998, the 1st defendant had sought



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for a decree directing the 2nd defendant or an officer of this Court to execute sale deeds in favour of its members for the lands comprised in Survey Nos.74, 86/1, 86/2 in Thalambur Village. Unfortunately, the sale deed executed by an officer of this Court on 19.11.2003 in favour of the 1st defendant Association which is beyond the scope and relief granted. It is also fortifies the suspicion of the plaintiff that the 1st Association itself is a bogus one and the beneficiaries of the decree which has been obtained by fraud are the 1st defendant and the 2nd defendant. While the Court had executed the sale deed in favour of the first defendant herein for the lands in S.Nos.74, 86/1, 86/2 in Thazhambur Village, the first defendant has now conveniently correlated those Survey numbers.

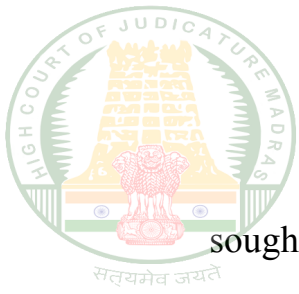
10. Further, it is contended by the learned counsel for the plaintiffs that the defendants have no right, title and interest over the suit schedule mentioned properties and the plaintiff has got every right to defend their right, title and interest over the suit property and the defendants are making illegal act to interfere with the peaceful possession and enjoyment of the suit property. The defendants 1 and 3, by virtue of aforementioned sale



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deeds are trying to create further encumbrance over the schedule mentioned property and therefore, to safeguard the title and interest of the plaintiff herein, it is just and necessary that the defendants 1 and 3 should be restrained from creating any further encumbrance over the plaintiff schedule mentioned property. He further contended that the defendants have not come forward to contest the above suit as they are aware that they have played fraud on this Court by suppressing many material facts and the same is liable to be set aside. As per the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, a family consisting of not more than 5 members, entitled to 15 standard acres i.e. 60 acres and for each additional family member entitled to 5 standard acre, but the defendants have suppressed the same and obtained the decree from this Court. Hence he prays to decree the present suit as prayed for.

11. On a perusal of the oral and documentary evidence adduced on behalf of the plaintiffs and in the absence of any evidence on behalf of the defendants to disprove the evidence produced by the plaintiffs, this Court is of the view that the plaintiffs have proved the case with respect to the reliefs



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sought for in this suit.

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12. In the result, this Civil Suit is decreed as prayed for with costs.

17.02.2025

Index : Yes/No
Speaking/Non-speaking order
uma

Witnesses examined on the side of the plaintiff:

P.W.1. - V.Venkatasubramanian

Documents produced on the side of the plaintiff:

Ex.P1 25.08.2023 Certified true copy of the Board Resolution passed in the plaintiff trust

Ex.P2 27.07.2000 Certified copy of judgment and decree in C.S No.180 of 1998.

Ex.P3 19.11.2003 Certified copy of sale deed executed by Assistant Registrar (O.S-I) of Hon'ble High Court, Madras in favour of 1st defendant vide doc.no.3209 of 2003 on the file of SRO, Thiruporur.

Ex.P4 07.01.1999 Certified copy of sale deed executed by Mrs.Lakshmi Banu in favour of Mrs.A.Usha vide doc.no.77 of 1999 on

25/29



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the file of SRO, Thiruporur.

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Ex.P5 12.07.1999 Certified copy of sale deed executed by Mrs.A.Usha in favour of M/s.Balaji Charitable & Educational Trust vide doc.no.1459 of 1999 on the file of SRO, Thiruporur

Ex.P6 14.07.1999 Certified copy of sale deed executed by Mrs.C.E.Surayanarayana Reddy in favour of M/s.Balaji Charitable & Educational Trust vide doc.no.1460 of 1999 on the file of SRO, Thiruporur

Ex.P7 23.10.2009 Certified copy of sale deed executed by the 1st defendant in favour of 3rd defendant vide doc.no.3838 of 2009 on the file of SRO, Thiruporur.

Ex.P8 03.03.2010 Certified copy of gift deed executed by M/s.Balaji Charitable & Educational Trust in favour of plaintiff vide doc.no.3445/2010 on the file of SRO, Thiruporur

Ex.P9 01.12.2010 Original Encumbrance Certificate for the period from 01.01.1987 to 01.12.2010.

Ex.P10 26.11.1989 Photocopy of resolution passed in the meeting of the first defendant attended by the 2nd defendant.

Ex.P11 08.01.1996 Photocopy of the plaint filed in C.S No.180 of 1998

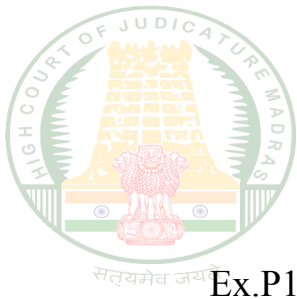
Ex.P12 ... Photocopy of the affidavit of 1st defendant.

Ex.P13 ... Photocopy of Judge's summons in A.No.3336 of 2001

Ex.P14 09.08.2001 Photocopy of order passed in A.No.3336 of 2001

Ex.P15 09.08.2001 Photocopy of decree in A.No.3336 of 2001

Ex.P16 10.12.2001 Photocopy of O.S.A grounds



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Ex.P17 10.12.2001 Photocopy of affidavit of 1st defendant

Ex.P18 10.12.2001 Photocopy of Judge's summons in C.M.P. 2134 of 2002

Ex.P19 21.03.2002 Photocopy of judgment in O.S.A No.63 of 2002 C.M.P
No.2134 of 2002

Ex.P20 11.06.2002 Photocopy of judgment in O.S.A No.63 f 2002

Ex.P21 20.06.2002 Photocopy of order in O.S.A No.63 of 2002

Ex.P22 11.09.2004 Photocopy of order passed in W.P.No.14418 of 2004

Ex.P23 03.12.2004 Photocopy of proceedings of the DRO, Kancheepuram
vide Proc.No.53989/2004

Ex.P24 25.09.1998 Photocopy of proceedings of Special Commissioner &
Commissioner of Land Administration vide
Proc.no.K3/17322/98

Ex.P25 18.12.1998 Photocopy of the proceedings of Tahsildar,
Chengalpattu vide Pro.No.1398/94-B2

Ex.P26 28.12.1998 Photocopy of patta issued in the name of plaintiff's
predecessors in title

Ex.P27 13.05.2003 Photocopy of the common order passed in
W.P.No.6165, 6525, & 7346 of 2000

Ex.P28 27.04.2004 Photocopy of common order passed in W.P.No.2785 to
2787 of 2003

Ex.P29 ... Photocopy of patta issued in the name of M/s.Balaji
Charitable & Educational Trust



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Witnesses and documents on the side of the defendants:

Nil

17.02.2025

A.A.NAKKIRAN,J.

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