



CRP. No.1632 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on:05.08.2025

Pronounced on:04.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. No.1632 of 2025

A.Chellappan

Petitioner

Vs

1.K.Jeyaraman
2.J.Kanthasamy
3.Sudha
4.Santhamani

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 28.01.2025 in CMA. No.2 of 2023 passed by Subordinate Judge, Sankagiri and allow the Revision Petition in I.A. No.2 of 2021 in O.S. No.101 of 2021 before the learned District Munsif cum Magistrate, Edapadi.

For Petitioner : Mr.P.V.Balasubramaniam
Senior Counsel for
Mr.S.Ranjithkumar

For Respondents : Mr.S.Mukunth,
Senior Counsel for
Mr.V.Nicholas for R1 & R3
No Appearance for R2 & R4



CRP. No.1632 of 2025

ORDER

WEB COPY Challenging dismissal of an interim injunction Application, the plaintiff is before this Court, by way of the present revision.

2. I have heard Mr.P.V.Balasubramaniam, learned Senior Counsel for Mr.S.Ranjithkumar and Mr.S.Mukunth, learned Senior Counsel for Mr.V.Nicolas, learned counsel for respondents 1 and 3.

3. The learned Senior Counsel for the revision petitioner Mr.P.V.Balasubramaniam, contended that the revision petitioner is an auction purchaser who has become entitled to the suit property under an auction sale that was conducted under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. The learned Senior Counsel referring to the findings of the Trial Court as well as the First Appellate Court would state that the Courts have non-suited the revision petitioner on the ground of non-production of material documents to establish factum of possession and further noticing that the sale certificate does not mention about handing over of possession, the plaintiff, revision petitioner had not made out a prima facie case for grant of interim injunction.



CRP. No.1632 of 2025

4. The learned Senior Counsel relying on the waiver of agricultural crop loan even as early as on 24.02.2021 in favor of the revision petitioner pertaining to the subject lands and also mutation of revenue records post sale certificate issued in favor of revision petitioner would contend that the petitioner has made out a prima facie case to establish factum of possession and the Courts below have erroneously declined to grant an interim injunction to protect the possession of the revision petitioner.

5. Per contra, Mr.S.Mukunth, learned Senior Counsel appearing for the respondents 1 & 3, contend that the specific case of the respondents is that possession has not been taken from the respondents though auction sale was conducted. He would also state that even the auction sale has been challenged and the C.M.A proceedings are pending in that regard. He would also invite my attention to the additional documents which are now relied on and not relied on before the Trial Court and contend that the documents cannot be looked into for the first time in revision, when two Courts have concurrently found that the plaintiff,



CRP. No.1632 of 2025

revision petitioner is dis-entitled to the equitable relief of interim
injunction.

6. Mr.S.Mukunth, learned Senior Counsel would further state that there is a procedure contemplated under Rule 130 of the Tamil Nadu Cooperative Societies Rules, 1988, in and by which, the petitioner would have to approach the Court and make necessary application under the said Rule and take possession and such exercise having not been undertaken by the revision petitioner, it is not open to the revision petitioner to state that the revision petitioner was put in physical possession, upon sale certificate being issued in his favour. The learned Senior Counsel would therefore pray for dismissal of the C.R.P., emphasizing on the fact that two Courts, on an appreciation of the pleadings in the interlocutory application as well as documents relied on, have concurrently found that the revision petitioner has not established the factum of physical possession and therefore, he is consequently not entitled to the relief of an interim injunction.



CRP. No.1632 of 2025

7. I have carefully considered the submissions advanced by the learned Senior Counsel for the parties.

8. It is the specific contention of the revision petitioner that he has purchased the property under an auction sale that was conducted in terms of the provisions of the Tamil Nadu Cooperative Societies Act. According to the revision petitioner, he was put in physical possession after the sale was confirmed in his favour and he has applied for an agricultural loan and thereafter, the Government has also waived the said agricultural crop loan. It is also contended that soon after the confirmation of sale, all revenue records have been mutated by the revision petitioner. It is also to be noted that the said sale in favour of the revision petitioner has been challenged by the respondents and the C.M.A proceedings are pending. The respondents do not admit to the factum of the plaintiff being put in possession of the suit property.

9. It is seen from the registered conveyance executed by the Deputy Registrar of the Cooperative Societies in favour of the revision



CRP. No.1632 of 2025

petitioner that there is no express mention of the fact that the revision petitioner has been put in physical possession. What all has been mentioned in the document is that the petitioner has become entitled to “vazhi urimai”, placing reliance is placed on Rules 129 and 130 of the Tamil Nadu Cooperative Societies Rules, it is contended by learned Senior counsel, Mr.S.Mukunth that without following the procedure under Rule 130, the petitioner cannot claim to have been put in possession.

10. Per contra, it is the submission of Mr.P.V.Balasubramanium, learned Senior Counsel that the said Rule does not apply to a judgment debtor but only to persons other than the judgment debtor. Meeting this objection, Mr.S.Mukunth, learned Senior Counsel, in reply, stated that the father of the original defaulter is contesting the proceedings, stating that he is in physical possession and therefore, he comes within the ambit of Rule 130, thereby necessitating the revision petitioner to move an appropriate Application for taking possession from the father of the defaulter who is admittedly not the judgment debtor. Rule 130 is more or



CRP. No.1632 of 2025

less similar to Order XXI Rule 95 CPC, which requires the purchaser to make an application for delivery of possession when property has been sold in auction and the said property is in occupation of the judgment debtor or some person on behalf or training under the judgment debtor.

11. Rule 130 of the Tamil Nadu Cooperative Societies Rules is extracted as hereunder:

“130. Delivery of possession.

(1)Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person not being the judgement-debtor, claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any Court of competent jurisdiction on application and production of the certificate of sale provided for by Rule 129, shall cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the immovable property had been purchased by the purchaser at a public auction in execution of a decree of a Civil Court.

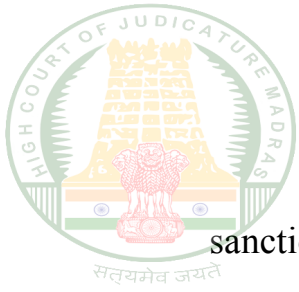
(2)The period of limitation for the purposes of sub-rule (1) shall be regulated by Article 134 of the Schedule to the Limitation Act, 1963 (Central Act 36 of 1963) as if the purchase of immovable property is at a public auction sale in execution of a decree of a Civil Court.”



CRP. No.1632 of 2025

WEB COPY 12. Therefore, from a reading of Rule 130, it appears that the Rule is applicable only to take possession from a person who is not the judgment debtor. The present case it is the specific contention of the respondents that the father of the defaulter alone has been in possession and C.M.A proceedings are also pending. Reading of Rule 130 clearly pertains to a scenario where a purchaser is prevented by any third party who is not the judgment debtor. In the present case also, it is only the father who is claiming to be in possession and the disputes are still at large and have to be finally adjudicated in C.M.A. proceedings.

13. Be that as it may, as rightly held by the First Appellate Court, mere mutation of revenue records in favour of revision petitioner would not suffice for a plaintiff to persuade the Court to hold that a plaintiff has been put in physical possession of the subject property. The mutation of revenue records are only consequent to the sale in favour of the revision petitioner. In so far as the crop loan and the waiver of the crop loan, these are all in early 2021. In so far as the claim of the petitioner that loan was



CRP. No.1632 of 2025

WEB COPY

sanctioned and the petitioner has also availed of fertilizer credit loan and in February 2021, the agricultural crop loans were also waived, I am unable to see how even these documents would come to the aid of the petitioner to confirm the factum of physical possession of suit property. The suit itself was filed in December 2021 and these documents would not establish that the plaintiff was put in physical possession. The registered sale conveyance deed in favour of the revision petitioner also does not speak about the plaintiff being put in physical possession of the subject lands.

14. In the light of the above, I do not find any infirmity in the findings of the First Appellate Court confirming the order of the Trial Court declining to grant interim injunction in favour of the revision petitioner. The First Appellate Court has rightly found that the confirmation of sale does not speak about petitioner being put in possession and various other documents are only mutation of records pursuant to sale and the same would not confirm physical possession being with the petitioner, excepting for claiming to be put in possession



CRP. No.1632 of 2025

in the plaint as well as affidavit in Interlocutory Application. I do not find any details as to how petitioner was put in possession. The First Appellate Court has also taken note of the filing of the suit in O.S. 35 of 2021 by the first respondent even prior to the filing of this suit for injunction where the petitioner/1st respondent in O.S. No. 35 of 2021 claims to be in physical possession and challenges sale in favour of revision petitioner.

15 In light of the above, I do not find any grounds made out for interfering with the concurrent findings that the revision petitioner has not made out a prima facie case for grant of interim injunction in the suit. Accordingly, this Civil Revision Petition is dismissed. No costs.

04.09.2025

rkp

Index : Yes / No

Internet : Yes / No



CRP. No.1632 of 2025

WEB COPY

To:

- 1.The Subordinate Judge, Sankagiri.
2. The District Munsif cum Magistrate,
Edapadi



WEB COPY



CRP. No.1632 of 2025

P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.1632 of 2025

04.09.2025