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C.R.P.No.5320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.01.2025**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P. No. 5320 of 2024

and C.M.P.No.29595 of 2024

1. Velusamy

2. Athayee

.... Petitioners

Vs.

1. M.Easwaramoorthi

2. P.Sarasu

3. Selvarani

4. Minor Manav

5. Minor Jayasree

S/o. Late Dhanapal

[Respondents 4 and 5 represented by their guardian
mother Selvarani]

.... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 24.10.2024 made in I.A.No.12 of 2024 in OS No.383 of 2014 on the file of District Munsif Court, Thiruchengode.

For Petitioner : Mr.R.Marudhachalamurthy

ORDER

This Civil Revision Petition challenges the order of the learned District Munsif Court, Thiruchengode, in I.A.No.12 of 2024 in OS No.383 of 2014 dated 24.10.2024.



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2. O.S.No.383 of 2014, is a suit for permanent injunction restraining the defendants / civil revision petitioners from interfering with their peaceful possession and enjoyment of the property. The defendants have filed their written statement claiming that they are in possession of the property and the suit is not maintainable. Evidence of the plaintiffs have been completed and the matter was posted for the evidence of the defendants. The defendants have also completed their examination and when it was posted for further evidence of the defendants, the defendants took out an application in IA No.12 of 2024. It seems this application was filed under Order XVI Rule 1 of code, to summon the concerned Village Administrative Officer in order to appear before the Court and depose, as to who is in possession of the property. This application was resisted by the plaintiffs. The learned Judicial Judge agreed with the plaintiffs and dismissed the application and hence, this Civil Revision petition at the instance of the defendants.

3. I heard the learned counsel for the petitioner in support of the Civil Revision petition. The learned counsel urges that a Village Administrative Officer visits the suit property once in every three months and he would have made note of the crops that have been grown in the land and the manner of irrigation in the said land. Therefore, he states that the evidence of the Village Administrative Officer is crucial to the defendants. He pleads that the order passed by the Trial Court is erroneous and requires interference.



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4. I have carefully heard the submissions of the counsel and have gone through the records.

5. The suit is one for injunction. The plaintiff claims that they are in possession of the property. The defendants plead that they are in possession of the property. For the purpose of proving right over an agricultural land, a party is always entitled to file the respective revenue records in order to substantiate their plea apart from any document of title that is there in their possession. The statement of a Village Administrative Officer can be no better than the revenue record to substantiate their possession. If the defendants plead that the Chitta, Adangal and other documents stands in their name, it is always open to them to produce it before the Court. For the said purpose, the examination of the Village Administrative Officer is absolutely unnecessary. It is not the role of the revenue authorities to take sides in the game of litigation. I do not find any reason to interfere. Accordingly, this Civil Revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

09.01.2025

Index : Yes/No
NC : Yes/No
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V.LAKSHMINARAYANAN, J.

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To

District Munsif Court, Thiruchengode.

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