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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 28.01.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**S.A.(MD)No. 268 of 2012**

**and**

**M.P(MD)No.1 of 2012**

Chinnammal

... Appellant

Vs.

1. The State of Tamilnadu,  
Represented by the District Collector,  
Collectorate, Cantonment,  
Thiruchirappalli -620 001.
2. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Cantonment,  
Thiruchirappalli - 620 001.
3. The Tahsildar,  
Taluk Office, Manapparai Post and Taluk,  
Thiruchirappalli District.



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4. The Executive Engineer Water Resources Organization,  
Public Works Department,  
Subramaniapuram,  
Thiruchirappalli - 620 020.

5. The Assistant Executive Engineer,  
Water Resources Organization,  
Public Works Department,  
Manapparai Post and Taluk.

6. The Assitant Executive Engineer,  
Water Resources Organization,  
P.W.D., Koilpatti, Manapparai Taluk.

... Respondents

**PRAYER:** Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the Judgment and Decree of the Lower Appellate Court dated 26.08.2011 made in A.S.No.239 of 2003 on the file of the Principal Subordinate Court, Thiruchirappalli, confirming the Judgment and Decree of the Trial Court, dated 22.08.2003 made in O.S.No.206 of 1999 on the file of the District Munsif Court, Manapparai and allow the Second Appeal.

For Appellant : Mr.R.Subramanian

For Respondents : Mr.C.Satheesh,  
Government Advocate, for R-1 to R-3



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## **JUDGMENT**

This Second Appeal is filed to set aside the Judgment and Decree of the Appellate Court, dated 26.08.2011 passed in A.S.No.239 of 2003 on the file of the Principal Subordinate Court, Thiruchirappalli, confirming the Judgment and Decree of the Trial Court, dated 22.08.2003 passed in O.S.No.206 of 1999 on the file of the District Munsif Court, Manapparai.

2. The Plaintiff is the Appellant herein and the Defendants are the Respondents herein. For the sake of convenience, the parties shall be referred to as Plaintiff and Defendants.

3. The plaintiff has filed a suit in O.S.No.206 of 1999 for declaration and permanent injunction. The contention of the plaintiff is that she had purchased 1 acre 50 cents of land from one V.Nataraja Iyer through a sale deed, dated 03.07.1961 for valuable consideration. Thereafter, one Venkatasubramaniya Iyer



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had sold 0.50 cents to Azhagiyammal for valuable sale consideration, but the said sale deed was misplaced. The plaintiff claims title over the property based on the sale deeds.

4. Per contra, the contention of the defendants who are the Government Officials and Revenue Authorities are that the old S.No.47 and new S.No.294 is classified as 'Avaram Kulam'. The extent of the lake is 70 cents. The contention of the revenue authorities is that only 48 acres is available and remaining acres are in possession of private individuals. However, the contention of the plaintiff is that already old S.No.47 is a larger extent property and it is classified as 'Inam land', therefore, there cannot be any 'குளம்' in the larger extent. Actually the 'குளம்' is shown as one of the four boundaries, especially western side of the plaintiff's land. Therefore, the serious objection of the plaintiff is that both the Courts below have not considered the issue properly.



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5. After hearing the rival submissions this Court is of the considered opinion that the old S.No.47 and new S.No.294 ought to be correlated. Old S.No. 47, particularly the larger extent of the property ought to be shown as 'குளம்'. Therefore, the revenue records ought to be submitted and the same ought to be verified. Hence, this Court is inclined to remit back this matter to the Trial Court for denova trial.

6. Accordingly, this Second Appeal is allowed and the the Judgment and Decree of the Appellate Court, dated 26.08.2011 passed in A.S.No.239 of 2003 on the file of the Principal Subordinate Court, Thiruchirappalli, confirming the Judgment and Decree of the Trial Court, dated 22.08.2003 in O.S.No.206 of 1999 on the file of the District Munsif Court, Manapparai is hereby set aside. The case is remanded back to the Trial Court for denova trial. The plaintiff is permitted to amend the pleadings and produce all the relevant revenue documents before the Trial Court to prove his case. The Trial Court is directed to complete the suit,



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within a period of One year from the date of receipt of a copy of the Judgment.

No Costs.

**28.01.2025**

Index : Yes / No  
NCC : Yes / No  
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**TO**

1. The Principal Subordinate Court, Thiruchirappalli
2. The District Munsif Court, Manapparai.
3. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**S.SRIMATHY, J.**

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Judgment made in  
**S.A.(MD)No. 268 of 2012**

**Dated:28.01.2025**