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S.A.No.168 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.No.168 of 2020
and C.M.P.No.3497 of 2020

V.Panimalar

... Appellant

VS.

1.Prithiviraji

2.Saravanan

3.Ramakrishnan

4.The Village Administrative Officer,
Old Sooramangalam,
Salem – 5.

5.The Special Tahsildar,
Adi Dravidar Welfare,
Collectorate,
Salem – 1.

... Respondents

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to allow the Second Appeal by setting aside the Judgment and Decree of the learned I Additional Subordinate Judge, Salem dated 25.09.2019 in A.S.No.27 of 2019 reversing the Judgment and Decree of the learned Principal District Munsif, Salem dated 21.12.2018 in O.S.No.789 of 2014.



S.A.No.168 of 2020

For Appellant : Mr.K.A.Mariappan
for M/s.G.M.Ananthakumar

For R1 to R3 : M/s.V.Ambika

For R4 and R5 : Mr.A.Anandan
Government Advocate

J U D G M E N T

The plaintiff in the suit is the appellant. She filed a suit for permanent injunction restraining the defendants 1 to 3 from interfering with her peaceful possession and enjoyment of the suit property. The suit was partly decreed by the Trial Court and limited injunction was granted restraining the defendants 1 to 5 from evicting the plaintiff from the suit property except by due process of law. Aggrieved by the same, the defendants 1 to 3 filed an appeal and the First Appellate Court reversed the findings of the Trial Court and dismissed the suit. Aggrieved by the same, the plaintiff has come before this Court.

2. According to the plaintiff, the suit property was assigned to her under Patta issued by the Special Tahsildar, Backward and Adi Dravidar Welfare, Salem, dated 11.07.1996 and as such, she has been in possession and enjoyment of the same. It is also stated that the plaintiff had constructed a tiled house in the year 2001 and paid house tax to Salem Corporation. The



S.A.No.168 of 2020

defendants 1 to 3 claiming themselves as Office Bearers of Washermen Sangam approached the plaintiff and requested her to sell the suit property to the said Sangam. The plaintiff refused to accept the request. Therefore, they attempted to interfere with the possession of the plaintiff. Hence, the above suit was filed seeking permanent injunction.

3. The 2nd defendant filed written statement and the same was adopted by the defendants 1 and 3. According to them, the land measuring to an extent of 1 acre 25 cents in S.No.3/2E was allotted to Salavai Thozilalar Colony for Washermen Community. As per the approved House Site Plan, the land in northern portion was reserved for public use and shop for colony people. The portion of the said property was allotted by the 4th defendant to the plaintiff and he has no authority to issue patta in the name of the plaintiff. Therefore, according to the defendants 1 to 3, the plaintiff is in unlawful possession of the suit property and therefore, the patta issued in her name is liable to be cancelled. The defendants 1 to 3 also stated that the plaintiff earlier filed a suit in O.S.No.34 of 2001 for permanent injunction against the Office Bearers of the Sangam and the same was dismissed for default. Therefore, the present suit is not at all maintainable. On these pleadings, the defendants 1 to 3 sought for dismissal of the suit.



S.A.No.168 of 2020

WEB COPY

4. Before the Trial Court, the plaintiff was examined as PW.1 and one V.Prakash was examined as PW.2. On behalf of the plaintiff, 11 documents were marked as Exs.A1 to A11. The 2nd defendant was examined as DW.1 and 6 documents were marked on the side of the defendants as Exs.B1 to B6.

5. The Trial Court on appreciation of oral and documentary evidence available on record, came to the conclusion that the plaintiff was in peaceful possession of the suit property and therefore, she was entitled to limited injunction restraining the defendants from interfering with her possession over the suit property except by due process of law. The judgment and decree passed by the Trial Court was challenged by the defendants 1 to 3 in Appeal No.27 of 2019 on the file of the I Additional Subordinate Court, Salem. The First Appellate Court came to the conclusion that the Patta issued in the name of the plaintiff was not valid and therefore, the plaintiff was not entitled to decree for injunction and allowed the appeal and dismissed the suit. Aggrieved by the same, the plaintiff has come before this Court.



S.A.No.168 of 2020

6. At the time of admission, this Court formulated the following substantial question of law by order dated 19.02.2020:-

“a) Whether the appellant who was put in possession of the suit property, pursuant to Ex.A1 assignment patta, is not entitled to retain her possession until the same is set aside in the manner known to law?

b) Whether the appellant who entered into possession pursuant to Ex.A1 and has put up a tiled house paying necessary property and electricity charges is not in legal and settled possession?”

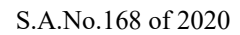
7. The learned counsel appearing for the appellant elaborating the substantial questions of law framed at the time of admission, would submit that the plaintiff entered the suit property under the Patta issued by the Government Official, which was marked as Ex.A1. Therefore, till the patta stands in the name of plaintiff, she is entitled to protection of possession. The learned counsel further submitted that after entering possession, the plaintiff put up a tiled house in the suit property and she is in settled possession of the same. In such circumstances, her settled possession cannot be disturbed by anybody except by due process of law.



S.A.No.168 of 2020

8. The learned counsel appearing for the respondents 1 to 3 would submit that the suit property was reserved for public purpose in the plan approved by the Government and the 5th defendant-Special Tahsildar was not at all entitled to issue Patta in respect of the suit property in favour of the plaintiff. The learned counsel also submitted that the defendants 1 to 3 had already taken steps to cancel the illegal patta issued in the name of the plaintiff and proceedings are pending. The learned counsel also pointed that the defendants 4 and 5 in their written statement categorically stated that proceedings are pending for cancellation of patta issued to the plaintiff. Therefore, according to the learned counsel the First Appellate Court was justified in refusing decree for injunction.

9. The Ex.A1 is a Patta issued by the 5th respondent in favour of the plaintiff, dated 11.07.1996. Therefore, it is clear the plaintiff was issued with patta by the 5th respondent and pursuant to the same, she has been in possession and enjoyment of the suit property. The defendants 1 to 3 in the written statement clearly admitted the possession of the plaintiff over the suit property. However, they contend that the patta for the suit property was erroneously issued in the name of the plaintiff and therefore, possession of the plaintiff shall be treated as unlawful.



10. From the pleadings of the parties and also documentary evidence

11. The Apex Court in *Rame Gowda vs. M.Varadappa Naidu*



S.A.No.168 of 2020

appropriate proceedings to take possession of the plaintiff by following due process of law.

12. In view of the admitted position that the plaintiff is in possession of the suit property pursuant to the patta issued in her favour under Ex.A1, the private respondents 1 to 3 are not entitled to take law into their own hands and evict the plaintiff from the suit property. Therefore, this Court feels the plaintiff is entitled to limited injunction restraining the private respondents 1 to 3 from interfering with her peaceful possession and enjoyment of the suit property except by due process of law. Following the law settled by the Apex Court in ***Rame Gowda*** case cited supra, the substantial questions of law are answered in favour of the appellant and against the respondents 1 to 3.

13. Accordingly, the Second Appeal is partly allowed. The appellant/plaintiff is entitled to injunction restraining the respondents 1 to 3/defendants 1 to 3 from interfering with her possession over the suit property except by due process of law. The suit is dismissed as far as official defendants 4 and 5 are concerned.



S.A.No.168 of 2020

14. It is made clear that the allowing of the second appeal will not come in the way of the defendants 1 to 3 from pursuing their remedy before the Revenue Authorities regarding the patta issued in the name of the plaintiff. In the facts and circumstances of the case, there will be no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

10.04.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

- 1.The I Additional Subordinate Judge,
Salem.
- 2.The Principal District Munsif,
Salem.
- 3.The Village Administrative Officer,
Old Sooramangalam,
Salem – 5.
- 4.The Special Tahsildar,
Adi Dravidar Welfare,
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WEB COPY



S.A.No.168 of 2020

S.SOUNTHAR, J.

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S.A.No.168 of 2020

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