



WEB COPY

SA No. 491 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 491 of 2019

T.A.Arulpathy Reddiar
S/o. T.V. Arunachala Reddiar,
Pudupattu Village, Iraniyasithi Post,
Cheyyur Firka, And Tk.

..Appellant(s)

Vs

1. The Commissioner
Municipal Council of Madurantakam,
G.S.T. Road, Madurantakam Town Firka And
Tk, Kancheepuram Dist.
2. Che Chairman,
Municipal Council Of Madurantakam,
G.S.T.Road,Madurantakam Town Firka and Tk.

..Respondent(s)

PRAYER

Second Appeal filed under Sec.100 of Civil Procedure Code, praying to set aside the judgement and decree of the lower court appellate court in AS.12/2013 on the file of the Subordinate Judge, Madurantakam dated 22.10.2018 confirming the judgement and decree in OS.101/2003 on the file of the District Munsif Court, Madurantakam dated 16-10-2012.



For Appellant(s):

Mr.C.Jagadish

For Respondent(s):

Mr. P.Srinivas for R1 & R2

JUDGMENT

Challenging the concurrent findings of the courts below rendered in A.S.No.12 of 2013 on the file of Subordinate Court, Madurantakam confirming the findings rendered in O.S.No. 101 of 2003 on the file of District Munsif Court, Madurantakam, the plaintiff preferred this Second Appeal.

2. Before the trial court, the plaintiff filed a suit for permanent injunction and mandatory injunction against the respondents/Municipal Council of Madurantakam. According to him, the 'A' schedule property bearing Door Nos.40 and 41, Sannathi Street belong to him and he put up a compound wall over the same and through 'B' schedule property, he had access to reach Sannathi street from the 'A' schedule property in T.S.No. 1059. In the 'B' schedule property, the respondents/defendants claimed unlawful possession and the same was encroached by the third parties as on date. The respondents/Municipal Council of Madurantakam encroached and constructed shops unauthorisedly, in which they have no right. Therefore, he prayed mandatory injunction to remove and demolish the construction put up in 'B' schedule property.



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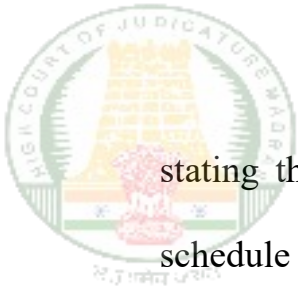
3. The Commissioner was appointed before the trial court and the trial court finally concluded that the plaintiff is not entitled to reach 'B' schedule for egress and ingress and also held that there was a shop in the 'B' schedule property for more than 40 years. Now, the shops were also vacated. Accordingly, the suit was dismissed as the plaintiff is not entitled for the relief as prayed for. Against which, the plaintiff has preferred first appeal, which was also dismissed by confirming the findings of trial court. Challenging the concurrent findings, the present Second Appeal was filed by the plaintiff.

4. Considering the facts and circumstances, this Second Appeal was admitted on the following substantial question of law:-

(a) *Whether the courts below have considered the provisions of Section 180(A) of Tamil Nadu District Municipalities Act, 1920 while dismissing the suit?*

(b) *Whether the courts below have properly considered the material evidence viz., Ex.B4 and Ex.B15 in the perspective?*

5. Today, when the matter taken up for hearing, the learned counsel appearing for respondents 1 and 2 submitted an undertaking affidavit of Commissioner, Municipal Council of Madurantakam along with photographs



stating that as on date, they have no intention to construct shops in the 'B' schedule property and also they have already issued a notice to remove the said shops in the 'B' schedule property.

6. Recording the undertaking affidavit submitted by the 1st respondent, the suit is allowed by decreeing the prayer sought in favour of plaintiff and the respondents are directed not to put up any further construction in future in the 'B' Schedule property. Accordingly, this Second Appeal is disposed of. No costs.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

1. The Sub-Judge, Madurantagam.
2. The District Munsif, Madurantagam.
3. The Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

RPP

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