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SA No. 245 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA No. 245 of 2026 and
CMP.No.8358 of 2026**

1. K.Mayandi
2. M.Chandra Mohan
3. Vinoth Kumar

..Appellant(s)

Vs

1. Raman
2. The District Collector
Tiruvallur
Having office at Tiruvallur
within the Jurisdiction of DMC Tiruvallur
3. The Thasildhar
Tiruttani Taluk
Having office at Tiruttani
Tiruvallur District.
4. The Commissioner
Tiruttani Municipality
Tiruttani, Tiruvallur District.

..Respondent(s)

Prayer :Second appeal is filed under Section 100 of Code of Civil Procedure code, praying to set aside the Judgment and Decree dated 30.10.2025 made in A.S. No. 8 of 2023 on the file of Subordinate Court, Tiruttani confirming the Judgment and Decree dated 15.03.2023 made in OS No. 59 of 2011 on the file of District Munsif Court, Tiruttani.

For Appellant(s): Mr.A.Gouthaman

For Respondent(s): Mr.B.Tamilnidhi for R2 and R3
Additional Government Pleader



JUDGMENT

The unsuccessful defendants 1 to 3 are the appellants. The 1st respondent herein filed a suit seeking declaration of his possessory title over the suit property and also for permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit property. The suit was decreed by the Trial Court and the findings of the Trial Court were affirmed by the first appellate court. Aggreived by the concurrent findings, the defendants 1 to 3 have come before this court.

2. According to the first respondent/plaintiff, the suit property is a “Gramanatham poramboke”. The plaintiff and his predecessor-in-interest have been in possession and enjoyment of the suit property for the past 50 years. The plaintiff has been running a tiffin stall in the suit property. The first defendant, who has got political clout with evil intention to occupy the suit property, filed rent control eviction petition before the Rent Controller in RCOP.No.4 of 1995 and the same was dismissed. The appeal filed by the first defendant was also dismissed by the appellate authority. The defendants 1 to 3 attempted to commit trespass into the suit property with the help of rowdy elements and in these circumstances, the above said suit was filed by the plaintiffs.

3. The defendants 1 to 3 filed a written statement and denied various averments found in the plaint. It was stated by the defendants 1 to 3 that RCOP filed by the first defendant was dismissed for the reason that he failed to prove



his ownership and tenancy and he was relegated to seek remedy before the civil court. In the meantime, some unknown persons attempted to interfere with the defendants' possession and hence, the first defendant filed a suit in OS.No.127 of 2002 against Nagan @ Nagalingam and five others. The said suit was decreed in favour of first defendant. The appeal filed by 1st defendant in RCA.No.1 of 1997 challenging the findings of the Rent Controller was dismissed for default. It is further stated by the defendants 1 to 3 that first defendant was the absolute owner of the suit property and he purchased the suit property by virtue of registered sale deed dated 14-02-1992. The vendor of the first defendant was in possession and enjoyment of the suit property for more than 100 years and they had good title to convey the same to the first defendant. It was also the case of the defendants 1 to 3 that the suit property is situated within four definite boundaries and in case of dispute between survey numbers and boundaries, the later will prevail over the former. The defendants 1 to 3 denied the averments contained in the plaint as if the plaintiffs were running tiffin shop in the suit property. On these pleadings, the defendants 1 to 3 sought for dismissal of the suit.

4. Before the trial court, the first plaintiff was examined as PW1 and two other witnesses were examined as PW2 and PW3. On behalf of the plaintiffs, five documents were marked as Ex.A1 to Ex.A5. The first defendant was examined as DW1 and one Moorthy was examined as DW2. On behalf of the



defendants, 75 documents were marked as Ex.B1 to Ex.B75. The Advocate Commissioner's report and rough sketch have been marked as Ex.C1 and Ex.C2.

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5. The trial court, on appreciation of oral and documentary evidence available on record, came to the conclusion that plaintiffs were entitled to decree as prayed for. Aggrieved by the same, the defendants 1 to 3 preferred an appeal in A.S.No.8 of 2023. The first appellate court affirmed the findings of the trial court. Aggrieved by the concurrent findings, the defendants 1 to 3 have come before this court.

6. The learned counsel for the appellants/defendants 1 to 3 submitted that the plaintiffs failed to produce any document to prove their possession over the suit property and in the absence of any document to show possession of the plaintiffs, the trial court committed an error in decreeing the suit for possessory title. The learned counsel also submitted that the first defendant had purchased the property from legal representatives of one Keeravaniyammal and in the absence of prayer to set aside the sale deed in favour of the first defendant executed by legal representatives of Keeravaniyammal, the present suit for declaration of possessory title is not maintainable. The learned counsel also submitted that the court below committed an error in relying on the findings rendered by the Rent Controller while deciding the civil suit. He also submitted that the first defendant by producing various documents proved his possession over the suit property.



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7. A perusal of the written statement would indicate that the first defendant filed rent control eviction petition against the plaintiffs in respect of the suit property. The defendants 1 to 3 raised a specific plea that though rent control eviction petition was filed in respect of different survey number namely S.No.118/2, the boundaries will prevail over the survey number. It is also admitted by the first defendant that he filed rent control eviction petition in RCOP.No.4 of 1995 against the plaintiffs and the same was dismissed. The appeal filed by the first defendant was also dismissed for default.

8. A perusal of the order passed by the Rent Controller marked as Ex.A2 would indicate that the Rent Controller found that present plaintiffs denied the title of the first defendant (landlord therein) in the rent control proceedings and the Rent Controller also found that the first defendant failed to prove his ownership over the subject property in the said proceedings. He also found that the jural relationship of landlord and tenant have also not been proved by the first defendant, who was the petitioner in rent control eviction petition and hence, dismissed the eviction petition. Therefore, it is clear that the possession of the present plaintiffs over the suit property has been admitted by the first defendant and only by admitting his possession over the suit property, he laid a rent control eviction petition against them treating them as tenants. The rent



control eviction petition was dismissed on the ground that there was no jural relationship between the present plaintiffs and the first defendant. Incidentally, the Rent Controller also found that first defendant failed to establish his ownership over the subject property. When the possession of the present plaintiffs has been admitted by the appellants in the earlier rent control proceedings, it is not open to them to contend that plaintiffs are not in possession of the suit property.

9. The plaintiffs in the present suit only seeks a limited declaration of their possessory title over the suit property. If they establish their possession on the date of presentation of the plaint, they are entitled to seek such a declaration unless the defendants 1 to 3 prove a better title. In the case on hand, the possession of the plaintiffs over the suit property is undisputed as already the first defendant laid a rent control eviction petition against them treating them as tenants in possession. In such circumstances, the submission made by the learned counsel for the appellants that the possession of the present plaintiffs over the suit property has not been proved is not at all acceptable to this Court.

10. The learned counsel for the appellants, by relying on Exhibit B29, sale deed in favour of first defendant, submitted that the first defendant's title over the suit property has been proved by virtue of the sale deed. A close perusal of Exhibit B29 would indicate that the survey number of the property conveyed to first defendant under Exhibit B29 was mentioned as



Survey.No.118/ 2 and the present suit survey number is Survey.No. 342/3. If we compare the four boundaries of the suit property and the four boundaries of the property covered under Exhibit B29, the northern and southern boundaries are different. In Exhibit B29, the northern boundary was mentioned as Ramadas Vagaiyara Kadagal. The southern boundary was mentioned as Kannappan's house. However, in the plaint, the northern boundary of the suit property was mentioned as K. Narasamma vagairas site and the southern boundary was mentioned as Balaji's house. The plaintiffs are not able to correlate the first defendant, who is claiming right under Exhibit B29, is not able to correlate the northern and southern boundaries mentioned in Exhibit B29 with the boundaries of the suit property. When the plaintiffs are not able to correlate the boundaries in Exhibit B29 and the boundaries of the suit property, this Court is unable to accept the contentions raised by the learned counsel for the appellants that defendants 1 to 3 proved better title over the suit property. The plaintiffs are only seeking declaration of possessory title and if they are able to establish their possession over the suit property, they are entitled to get declaration against entire world except the person, who is able to show better title over the suit property. In the case on hand, Exhibit B29 is the only document relied on by the first defendant to prove his alleged title and the same is not useful to sustain the case of the appellants/ defendants 1 to 3.



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11. The learned counsel for the appellants, by relying on Exhibit B28, rental agreement, submitted that plaintiffs admitted that they were tenants under one Keeravaniyammal under Exhibit B28 and the suit property has been purchased by first defendant from the legal representatives of Keeravaniyammal under Exhibit B29. A perusal of Exhibit B28 would indicate that the plaintiffs were not party to the said document. It was a lease arrangement between the legal representatives of Keeravaniyammal and one Babu. Therefore, the said submission made by the learned counsel for the appellants is also not appealable to this court. In fact, in the earlier rent control proceedings, the rent controller relegated the present first defendant to establish his title over the suit property before the civil court by seeking a declaration. In view of the same, it is made clear that the dismissal of the second appeal will not come in the way of the first defendant seeking declaration of title over the suit property. The present suit has been filed for limited relief of declaration of possessory title of the plaintiffs over the suit property. Since the possession of the plaintiffs is established, they are entitled to declaration of possessory title over the suit property. In case, the first defendant is able to establish his title in a separate suit for declaration of his title, he is entitled to necessary consequential relief also.



12. With this clarification, the second appeal stands dismissed by confirming the judgment and decree dated 30.10.2025 in A.S. No. 8 of 2023 on the file of Subordinate Court, Tiruttani confirming the judgment and decree dated 15.03.2023 in OS.No. 59 of 2011 on the file of District Munsif Court, Tiruttani. Consequently, the connected miscellaneous petition is closed. No costs.

02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
nr

To

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S.SOUNTHAR, J.



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