IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

SA No. 912 of 2013

Jayaraman ..Plaintiff/
Appellant/
Appellant

Vs

1. The Block Development Officer
   Kollidam Sirkali Taluk, Nagapatinam District.
2. The Tahsildar
   Sirkali Nagapattinam District.
3. Th Village Administrative
   Officer, Thandavankulam Sirkali Taluk,
   Nagapattinam District.
4. The State of Tamil Nadu
   Rep. By Its District Collector, Nagapattinam.

Defendants/Respondents
Respondents

Prayer:

Second Appeal filed under section 100 of CPC against the judgment and decree of Additional Sub Court, Mayiladuthurai dated 30.08.2010 made in AS.No.66 of 2009 confirming the judgment and decree of District Munsif Court, Sirkali dated 11.09.2009 made in O.S.No.223 of 2003.

For Appellant: M/s.B. Jawahar

For Respondent: Mr.B.Tamil Nidhi

Judgment

Heard.

2. This Second Appeal is filed by the plaintiff against the judgment and decree dated 30.08.2010 passed in A.S. No.66 of 2009 by the Additional Subordinate Judge, Mayiladuthurai, whereby the decree of dismissal dated 11.09.2009 made in O.S. No.223 of 2003 on the file of the District Munsif Court, Sirkali, came to be confirmed.

3. For the sake of convenience, the parties referred as they arrayed before the trial court.

4. The plaintiff's case was that the suit property, an extent of 5 cents in S.No.414/1, Balakadu Village, was natham land and that he had been in continuous occupation for about 40 years, having put up a house and paid house tax; he asserted that the revenue authorities had recognised such occupation and held out an assurance of regularisation/patta, relying in particular on notice dated 16.02.1978 and subsequent communications. He alleged that on

31.07.2003 the defendants' officials attempted to dispossess him for construction of a Village Administrative Office (VAO) building, prompting a police complaint and issuance of statutory notice under Section 80 CPC on 05.08.2003; despite this, construction proceeded during the pendency of the suit. Accordingly, though the suit was initially for permanent injunction to protect his possession, it was later amended to additionally seek removal of the VAO superstructure and recovery of possession of the suit site.

5. The defendants' case was that, as borne out by the revenue records and sub-division particulars, S.No.414 comprised various sub-divisions with pattas granted to different occupants, that S.No.414/1 is only a pathway, and that the plaintiff had patta and residence only in S.No.414/3 and not in the suit site, while the VAO building was constructed in S.No.414/4, a vacant site, out of public funds; they therefore denied any right or possession of the plaintiff over the suit property and pleaded that the suit had become infructuous, besides raising objections as to incorrect property description/boundaries, absence of commissioner evidence to identify the site, improper valuation and court fee, misjoinder, and want of cause of action.

6. The Trial Court, upon framing the necessary issues and on appraisal of the evidence—P.W.1 for the plaintiff with Exs.A1 to A4, and D.Ws.1 and 2 for the defendants with Exs.B1 to B4—held that the plaintiff had not proved settled

possession as on the date of suit and, after amendment, had also failed to establish prior possession/dispossession and the precise identity of the suit property; it found that Exs.A1 to A4 did not satisfactorily relate to the suit survey number and extent and, having regard to the admitted sub-division and the revenue records, dismissed the suit.

7. The First Appellate Court, reappreciated the evidence and rival contentions and concurred with the Trial Court, holding—on the strength of the revenue records/Ex.B series—that S.No.414/1 is a pathway, that the plaintiff had patta only in S.No.414/3, and that the VAO office stands in S.No.414/4; it further found that the plaintiff's documents including the additional documents produced in appeal did not establish possession or displacement in the suit survey/extent and accordingly dismissed the appeal confirming the dismissal of the suit.

8. Aggrieved by the concurrent dismissal, the plaintiff in this Second Appeal contend that courts failed to appreciate plaintiff's documents Ex.A1–A4 marked before trial Court and additional documents A5–A12 marked before the first appellate court, as proving long, uninterrupted possession; the subsequent revenue sub-division cannot defeat his rights; the defendants suppressed material records; and the Courts below failed to consider the alleged admissions of D.Ws.1 and 2, the VAO certificate dated 02.08.1999.

9. In the present suit, the very identity of the suit property is in dispute: while the plaintiff asserts rights over land in one survey number, S.No.414/1, the defendants contend that his possession was recognised and patta issued only in a different sub-division, S.No.414/3 , and that the VAO office has been constructed in yet another sub-division S.No.414/4. Both Courts found that the revenue records do not support the plaintiff's claim with reference to the land on which the VAO building stands, and held that he cannot found a right over the disputed site by relying on documents relating to some other property. Since the plaintiff did not satisfactorily establish and identify the suit property, the concurrent rejection of his claim calls for no interference. Thus, no substantial question of law arises for consideration in this Second Appeal and the second appeal is liable to be dismissed.

10. In view of the above discussion, this Second Appeal stands dismissed at the admission stage itself. There shall be no order as to costs. Consequently, the connected miscellaneous petition, if any, stands closed.

24-02-2026

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

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To

1. Additional Sub Court, Mayiladuthurai

2. District Munsif Court, Sirkali

DR.A.D.MARIA CLETE J.

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