



WEB COPY

CRP No. 1707 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

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

CRP No. 1707 of 2026

AND

CMP No. 7838 of 2026

R. Brahadeeswaran
S/o. P. Ramadass Chettiar,
No.45, Periyachetty St,
Trichirapalli.

..Petitioner(s)

Vs

B.Kannan
S/o. Balarama Naidu,
No.23, Kachiyappa Chetty St,
Vikravandi,
Villupuram Taluk.

..Respondent(s)

CMP No. 7838 of 2026

R. Brahadeeswaran
S/o. P. Ramadass Chettiar,
No.45, Periyachetty St,
Trichirapalli.

..Appellant(s)

Vs

B.Kannan
S/o. Balarama Naidu,
No.23, Kachiyappa Chetty St,
Vikravandi,
Villupuram Taluk.

..Respondent(s)



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CRP No. 1707 of 2026

To set aside the Fair and Decretal Order in IA 840 of 2025 in OS No.109/2019 dated 08.12.2025 on the file of the Learned District Munsif Cum Judicial Magistrate, Vikravandi and thereby allow the CRP.

CMP No. 7838 of 2026

To grant interim stay of further proceedings in OS No.109/2019 on the file of the Learned District Munsif Cum Judicial Magistrate, Vikravandi pending disposal of the CRP.

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For Petitioner(s): Mr.N.Suresh

For Respondent(s):

ORDER

This Civil Revision Petition has been filed to set aside the Fair and Decretal Order in I.A 840 of 2025 in O.S No.109 of 2019 dated 08.12.2025 on the file of the Learned District Munsif Cum Judicial Magistrate, Vikravandi.

2. The learned counsel for the petitioner would submit that the petitioner being the plaintiff in the suit in O.S. No.109 of 2019 has sought relief of



removal of the encroachments and mandatory injunction. In order to prove the case of the petitioner, he has filed I.A. No.109 of 2019 seeking direction to issue summon to Tahsildar, Vikravandi to produce the related documents of FMB, Chitta and A Register which were available before Natham Settlement Scheme. These documents are essential to prove land title, boundaries and extent of the suit property relating to the parties to decide the case on merits. Without considering the aforesaid facts, the Trial Court dismissed the aforesaid application holding that the petitioner has filed the petition directly without taking any steps to obtain public document from the public authority. Hence, he seeks to set aside the order dated 08.12.2025 in I.A. No.840 of 2025 in O.S. No.109 of 2019 passed by the Trial Court.

3. Having considered the facts and circumstances of the case and submissions made by the learned counsel for the petitioner, it is seen that the petitioner/plaintiff has filed the suit for declaration of title and to remove the encroachment over the suit property. Under such circumstances, the petitioner has sought documents from the Tahsildar, Vikravandi, through Court proceedings to prove his lawful possession in the suit schedule property and unlawful encroachment made by the respondent over there which is justifiable and cannot be denied. Hence, the order dated 08.12.2025 in I.A. No.840 of 2025 in O.S. No.109 of 2019 passed by the Trial Court is set aside.



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T.V.THAMILSELVI J.

Lbm

4. In the result, the Civil Revision Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

24-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Lbm

To:

The District Munsif Cum Judicial Magistrate,

Vikravandi

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AND
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24-03-2026