



WEB COPY

SA No. 331 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA No. 331 of 2026 and
CMP No.10949 of 2026**

1. A.G.Kalyani, W/o. C.L. Ravichandran,
D/o. A. Gnanaprakasam Mudaliar,
No.1, Manikesari Road,
Kilpauk, Chennai – 010.

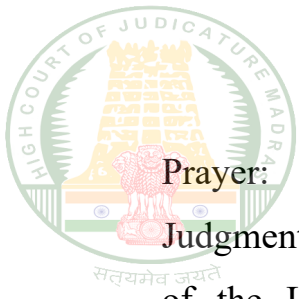
2. A.G. Udayakumar
S/o. A. Gnanaprakasam Mudaliar,
No.48, Mulki Street,
Arani Village and Post,
Ponneri Taluk, Tiruvallur District.

..Appellant(s)

Vs

1. Vasantha, D/o. Late Kannan,
Bharathiyar Street,
Arani Village and Post,
Ponneri Taluk, Tiruvallur District.
2. Amirtham, D/o. Late Kannan,
Mulki Street, Arani Village and Post,
Ponneri Taluk, Tiruvallur District.
3. Sivagami, W/o. Shanmugam,
Daughter in law of Kannan,
Bharathiyar Street,
Arani Village and Post,
Ponneri Taluk, Tiruvallur District.

..Respondent(s)



Prayer: Second Appeal filed under Section 100 of CPC to set aside the Judgment and Decree passed in A.S.No.23 of 2020 dated 10.01.2025, on the file of the Learned Additional Subordinate Court at Ponneri, confirming the Judgment and Decree of the Trial Court in O.S.No.102 of 2014 dated 22.01.2020 on the file of the Learned District Munsif Court at Ponneri.

For Appellant(s): Mr. M.Velmurugan

JUDGMENT

The unsuccessful plaintiffs in O.S.No.102 of 2014 are the appellants herein.

2. The plaintiffs/appellants filed the above said suit seeking injunction restraining the defendants from alienating the suit properties. The suit was dismissed by the Trial Court and the findings of the Trial court was affirmed by the first appellate court. Challenging the concurrent findings of the courts below, the present second appeal has been filed.

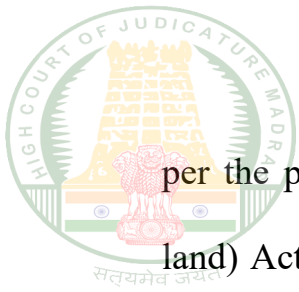
3. According to the plaintiffs, the suit property originally belonged to one Gnanaprakasam Mudaliar and Somasundaram Mudaliar and the plaintiffs are the legal heirs of Gnanaprakasam Mudaliar. It is the case of the plaintiffs that in respect of the properties owned by the above said Somasundara Mudaliar and Gnanaprakasam Mudaliar, there was a civil suit between the plaintiffs and other



persons claiming themselves as legal heirs of Somasundaram in O.S.No.129 of 1987 on the file of Subordinate Judge, Tiruvallur. The said suit was ended in

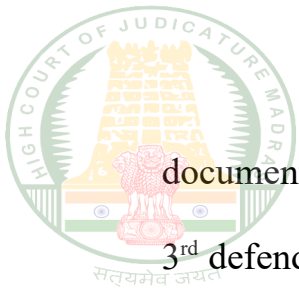
compromise and the suit properties were allotted to the share of the plaintiffs and based on the said decree, the plaintiffs claimed absolute right over the suit properties. It is also the case of the plaintiffs that even during the life time of Gnanaprakasam Mudaliar and Somasundara Mudaliar, the defendants' father Kannan was cultivating the suit properties and he continued the cultivation, even after allotment of the suit properties to the plaintiffs in the above mentioned suit. After the death of Kannan, the defendants have been permitted by the plaintiffs to continue the agricultural activities in the suit properties. In the month of March 2014, while visiting the suit properties, the 2nd plaintiff was surprised to see that a name board was displayed there, showing that the defendants are the owners of the property. Therefore, the plaintiffs applied for encumbrance certificate and it came to their knowledge that the defendants 1 and 2 had executed a power of attorney on 31.12.2012 in favour of the 3rd defendant to sell the suit properties. Hence, the present suit was filed by the plaintiffs seeking injunction restraining the defendants from alienating the suit properties.

4. The defendants filed a written statement and resisted the suit on the ground that the suit properties held by Gnana Prakasa Mudaliyar and Manimegalai, w/o Somasundara Mudaliar were declared as a surplus land, as



per the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on land) Act 1961. It is further submitted by the defendants that final notification under Section 18(1) of the said Act was published on 09.11.1983 and thereby, the suit lands were vested with the government. Later, proceedings were initiated for disposal of the surplus land to the eligible persons. The defendants' father Kannan, being a landless poor, belonging to the Schedule community, applied for assignment of lands and it was accepted by the government. Accordingly, the suit property and another properties in survey No.632/1 was assigned in favour of the defendant's father Kannan. It was also claimed by the defendants that their father paid entire amount as fixed by the Authorised Officer under the land Reforms Act and later assignment deed was executed in favour of the defendants 1 and 2 and their father Kannan. Thus, based on the assignment deed under the land Reforms Act, the defendants claimed right over the suit properties. It is also stated by the defendants that Kannan died on 01.09.2002, leaving behind the defendants as his legal heirs. Therefore, it is the specific case of the defendants that the properties were assigned in their favour under the land Reforms Act and they have been in possession and enjoyment of the suit lands and also cultivating same. On these pleadings, the defendants prayed for dismissal of the suit.

5. Before the trial court, the 2nd plaintiff was examined as PW1 and one another witness was examined as PW2 and on behalf of the plaintiffs, 8



documents were marked as Ex.A1 to Ex.A8. On the side of the defendants, the 3rd defendant was examined as DW1 and 5 documents were marked as Ex.B1 to Ex.B5.

6. The trial court, based on the oral and documentary evidence available on record, came to the conclusion that the properties were declared as surplus land and the same was vested with the government and hence, the plaintiffs are not entitled to maintain a suit and hence, dismissed the suit. Aggrieved by the same, the plaintiffs filed an appeal in A.S.No.23 of 2020 on the file of Additional Subordinate Judge, Ponneri. The first appellate court affirmed the findings of the trial court and challenging the concurrent findings of the courts below, the plaintiffs have come before this court by filing the present second appeal.

7. The learned counsel for the appellants would submit that the suit properties were allotted to the share of the plaintiffs in a civil decree in O.S.No.129 of 1987, dated 28.04.1995 on the file of Subordinate Judge, Tiruvallur and hence, the plaintiffs established their title over the suit properties. The learned counsel further submitted that the defendants have claimed right over the suit properties based on the assignment deed executed by the government, however, they have not produced any document to show that they paid entire amount due to the government, as per the assignment proceedings.



8. The suit has been filed by the plaintiffs seeking injunction restraining the defendants from alienating the suit properties. Ex.B3 is the proceedings initiated by the government under the Land Reforms Act and it clinchingly proved that proceedings were initiated in respect of the suit properties under the Tamilnadu Land Reforms (Fixation of Ceiling on land) Act and the suit properties were declared as surplus land. Therefore, the suit properties were already vested with the government under the said Act. The 2nd plaintiff, who examined himself as PW1, clearly admitted that proceedings under the Land Ceiling Act were initiated in respect of the suit properties and he also admitted that assignment deed executed in favour of the defendants has not been cancelled for non payment of due to the government. Therefore, it is clear that the proceedings have been initiated under the Tamilnadu Land Reforms (Fixation of Ceiling on land) Act and the suit property was declared as surplus land and the same was vested with the government. In such circumstances, the plaintiffs are not entitled to maintain a suit as they have no interest in the suit property by virtue of the proceedings initiated under the Tamilnadu Land Reforms (Fixation of Ceiling on land) Act. Further, this court need not go into the question whether the defendants complied with the conditions of the assignment and they got actual assignment in their favour. Once the property was declared as surplus land and the same was vested with the government by virtue of notification under Section 18(1) of Tamilnadu Land Reforms (Fixation of Ceiling on land) Act, the plaintiffs have no right to maintain a suit



for injunction, restraining the defendants from alienating the suit properties.

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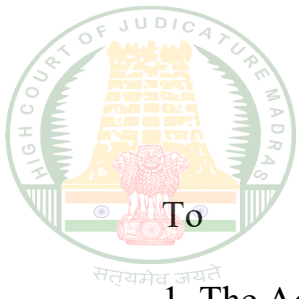
9. The Ex.A4, civil decree in O.S.No.129 of 1987, relied on the by plaintiffs was passed in the year 1987, much latter to the initiation of the proceedings under the Land Reforms Act made in the year 1983. Further, neither the defendants nor the government were made as parties to the said suit in O.S.No.129 of 1987. The civil decree obtained by the plaintiffs and other legal heirs of Somasundaram Mudaliar will not at all affect the right of the government and the defendants, who were not made as parties to the said suit.

10. In view of the above discussion, the plaintiffs failed to establish their semblance of right over the suit properties and hence, they are not entitled to maintain a suit for bare injunction, restraining the defendants from alienating the suit properties. I do not find any substantial question of law arising for consideration in this second appeal.

11. Accordingly, this second appeal is dismissed. Connected miscellaneous petition is closed. There shall be no order as to costs.

03-06-2026
(½)

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



To

1. The Additional Subordinate Judge, Ponneri.

2. The District Munsif, Ponneri.

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S.SOUNTHAR, J.

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