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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

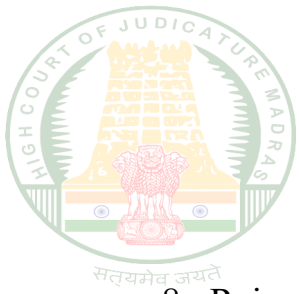
CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA Nos. 324 of 2026 and 338 of 2026 and
CMP Nos.10910 and 11408 of 2026**

In S.A.No.324 of 2026

1. Amaravathi, W/o.Late Kumarasamy,
Residing at Koilesanai East Village,
Ariyalur Taluk and District.
2. Basker, S/o.Late Kumarasamy,
Residing at Koilesanai East Village,
Ariyalur Taluk and District.
3. Parimala, W/o.Anandam,
Residing at Koilesanai East Village,
Ariyalur Taluk and District.
4. Bharathidasan, S/o.Late Kumarasamy,
Residing at Koilesanai East Village,
Ariyalur Taluk and District.
5. Annakili, W/o.Late Chinnadurai,
Residing at D.No.251/2 Pon Nagar,
Koilesanai East Village,
Ariyalur Taluk and District.
6. Mani, D/o.Late Chinnadurai,
Residing at D.No.251/2 Pon Nagar,
Koilesanai East Village,
Ariyalur Taluk and District.
7. Sundarambal, W/o.Late Chinnadurai,
Residing at D.No.251/2 Pon Nagar,
Koilesanai East Village,
Ariyalur Taluk and District.



8. Rajendran, S/o.Late Chinnadurai,
Residing at D.No.251/2 Pon Nagar,
Koilesanai East Village,
Ariyalur Taluk and District.

9. Kamala, D/o.Late Chinnadurai,
Residing at D.No.251/2 Pon Nagar,
Koilesanai East Village,
Ariyalur Taluk and District.

10. Gandhimathi, W/o.Late Rajangam,
Residing at D.No.26/2, East Street,
Koilesanai Village,
Ariyalur Taluk and District.

11. Senthilkumar, S/o.Late Rajangam,
Residing at D.No.26/2, East Street,
Koilesanai Village,
Ariyalur Taluk and District.

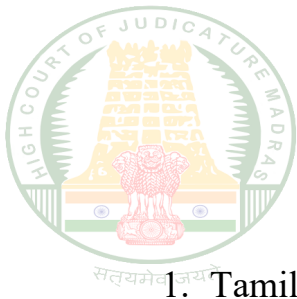
12. Vijayakumar, S/o.Late Rajangam,
Residing at D.No.26/2, East Street,
Koilesanai Village,
Ariyalur Taluk and District.

13. Sumalatha, S/o.Late Rajangam,
Residing at D.No.26/2, East Street,
Koilesanai Village,
Ariyalur Taluk and District.

(1 to 4 Appellants are LR's for deceased 5th
plaintiff Kumarasamy, who died on
24.12.2017)

(5 to 9 Appellants are LR's for deceased 7th
plaintiff Chinnadurai, who died on 28.11.2019)

(10 to 13 Appellants are LR's for deceased 9th
plaintiff Rajangam, who died on 31.08.2018)



..Appellant(s)

Vs

1. Tamil Nadu State
Rep. by the District Collector,
District Collectorate,
Ariyalur Taluk and District.
2. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Department,
Collectorate, Ariyalur Taluk and District.
3. The Special Tahsildar(Adi Dravidar Welfare
Department)
Adi Dravidar Welfare Department,
Collectorate, Ariyalur Taluk and District.
4. Tahsildar,
Taluk Officer,
Ariyalur Taluk and District.

..Respondent(s)

In SA No. 338 of 2026

1. Kasimathi, W/o. Kunjaram Udayar,
Koil Esanai Village, Thirumazhapadi Via,
Ariyalur Taluk and District.
2. Chinnammal W/o. Late Govindasamy,
Koil Esanai Village, Thirumazhapadi Via,
Ariyalur Taluk and District.
3. Arumugam, s/o.Ponnusamy,
Koil Esanai Village,
Thirumazhapadi Via,
Ariyalur Taluk and District.
4. Vairammal, W/o. Late Chinnaiyan,
Koil Esanai Village, Thirumazhapadi Via,
Ariyalur Taluk and District.

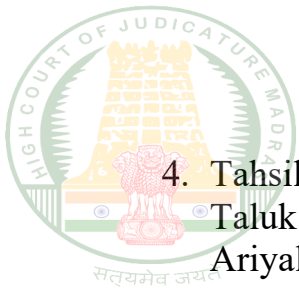


5. Parvathi, w/o.Late Chinnaiyan,
Koil Esanai Village,
Thirumazhapadi Via,
Araiylalur Taluk and District.
6. Govindaraj, S/o.Mariyappa Asari,
Koil Esanai Village,
Thirumazhapadi Via,
Araiylalur Taluk and District.
7. Elangovan, S/o.Ganesan,
Koil Esanai Village,
Thirumazhapadi Via,
Araiylalur Taluk and District.
8. Selvaraj, S/o Kathirvel,
Residing at Koil Esanai Village,
Thirumazhapadi Via,
Araiylalur Taluk and District.
9. Dhanam, W/o.Late Thangaiyan,
Koil Esanai Village,
Thirumazhapadi Via,
Araiylalur Taluk and District.

..Appellant(s)

Vs

1. Tamil Nadu State
Rep. by the District Collector,
District Collectorate,
Ariyalur Taluk and District.
2. The Dist.Adidravidar Welfare Officer
Adi Dravidar Welfare Department,
Collectorate, Ariyalur Taluk and District.
3. The Special Tahsildar (Adi Dravidar Welfare
Department)
Adi Dravidar Welfare Department,
Collectorate,
Ariyalur Taluk and District.



4. Tahsildar,
Taluk Officer,
Ariyalur Tk and Dist.

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..Respondent(s)

Prayer in S.A.No.324 of 2026: Second Appeal filed under Section 100 of Civil Procedure code to set aside the judgment and decree passed on 03.07.2025 in A.S.No.62 of 2024 on the file of the Learned Additional Sub Judge, Ariyalur, confirming the judgment and decree passed in O.S.No.214 of 2017 on the file of the Learned Additional District Munsif Court, Ariyalur, dated 16.09.2022.

Prayer in S.A.No.338 of 2026: Second Appeal filed under Section 100 of Civil Procedure Code to set aside the judgement and decree passed on 03-07-2025 in AS.No.6 of 2022 on the file of the Learned Additional Sub Judge, Ariyalur by confirming the judgement and decree passed in OS.No.214 of 2017 on the file of the Learned Additional District Munsif, Ariyalur, dated 16-09-2022.

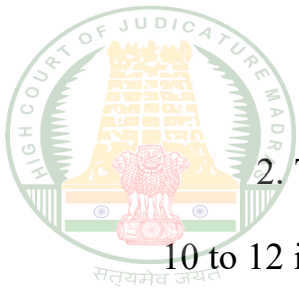
In both second appeals

For Appellant(s): Mr. D.S.Haroon Rasheed

For Respondent(s): Mr.S.Gunasekaran, Government Advocate
for R1 to R4.

COMMON JUDGMENT

The appellants in S.A.No.324 of 2026 are the legal heirs of deceased 5th plaintiff (Kumarasamy), 7th plaintiff Chinnadurai and 9th plaintiff Rajangam in O.S.No.214 of 2017.



2. The appellants in S.A.No.338 of 2026 are the plaintiffs 1 to 4, 6, 8 and 10 to 12 in O.S.No.214 of 2017.

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3. The above suit in O.S.No.214 of 2017 was filed by the plaintiffs seeking declaration that the notice issued by the 4th respondent Tahsildar, Ariyalur Taluk was nonest in law and for consequential injunction restraining the defendants from interfering with their possession and enjoyment of the respective suit properties. The above said suit was dismissed by the trial court and the findings of the Trial Court were affirmed by the first appellate court. Aggrieved by the concurrent findings of the courts below, the appellants, as stated above, filed the present second appeals.

4. According to the plaintiffs, they purchased their respective suit properties under a sale deed dated 03.06.1981 and they put up construction thereon. The State Government acquired the lands in suit survey number 274/1 and other adjacent survey numbers in 274/1 to 274/13 for the purpose of giving house sites to the eligible persons belonging to Adi-dravidar Community. The acquisition proceedings were challenged by the plaintiffs and other land owners by filing two writ petitions and the same were disposed of with certain directions to the respondents therein. It is also stated by the plaintiffs that the suit properties were resumed in favour of the plaintiffs, however, the Special Tahsildar/ 3rd respondent issued a notice dated 03.06.2015 stating that the

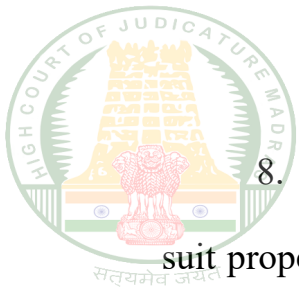


plaintiffs are encroachers and directed them to vacate the suit properties. The plaintiffs also contended that the issuance of notice by the third respondent is against the order passed by this court in the writ petitions filed by them. Further, the 4th respondent, recently issued another notice dated 19.10.2017 to the plaintiffs, stating that the plaintiffs are the encroachers. Aggrieved by the same, the plaintiffs filed the suit seeking declaration that the notice issued by the 4th defendant is null and void and consequential injunction.

5. The defendants, though initially entered appearance before the Trial Court, they did not file written statement and therefore, they were set exparte.

6. Before the Trial Court, on the side of the plaintiffs, the first plaintiff was examined as PW1 and three documents were marked as Ex.A1 to Ex.A3.

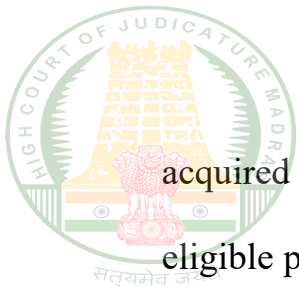
7. The Trial Court, on appreciation of oral and documentary evidence available on record came to the conclusion that the plaintiffs failed to make out a case and hence, dismissed the suit. Aggrieved by the findings of the Trial Court, the plaintiffs filed an appeal in A.S.Nos.6 of 2022 and 62 of 2024 on the file of Additional Subordinate Judge, Ariyalur. The first appellate court dismissed both the appeals, confirming the judgment and decree passed by the Trial Court. Challenging the concurrent findings of the courts below, the appellants have come before this court by filing the present second appeals.



8. The learned counsel for the plaintiffs/appellants would submit that the suit properties were purchased by the respective plaintiffs in the year 1981 and they have also put up construction in their respective properties. He would further submit that since the plaintiffs have been in possession and enjoyment of the suit properties for a long time, their title over the same has to be confirmed on the principles of “possession follows title”. The learned counsel also submits that the 4th defendant without considering the possessory right of the plaintiffs, issued the impugned notice treating them as encroachers and further, long possession of the plaintiffs in the suit properties has not been appreciated by both the courts below and erroneously dismissed the suit.

9. It is the specific case of the plaintiffs that they purchased their respective suit properties under a sale deed dated 03.06.1981. However, the plaintiffs failed to produce the said sale deed before the court to establish their title over the suit properties. However, at the time of arguments, the learned counsel for the plaintiffs submitted that the plaintiffs have been in possession and enjoyment of the suit properties for a long time and therefore, their title should be confirmed based on their long possession.

10. The plaintiffs have not produced any revenue documents to establish their long possession over the suit properties. It is seen from the typed set of papers and also the averments made in the plaint that the suit properties were

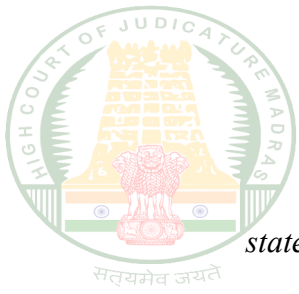


acquired by the respondents for the purpose of providing house sites to the eligible persons belonging to the Adi-dravidar community. The said acquisition proceedings have been challenged before this court. However, in Ex.A1 writ petition order, this court negated the claim made by the land owners and plaintiffs and also directed the authorities to take further proceedings to implement the order passed by the high Court. The relevant direction issued by this court in Ex.A1 reads as follows.

2 . xxxx *It is admitted that the land owners have encroached and occupied the plots, for which pattas were issued to the members of the Adi-Dravidar Community, as also certain other plots, where pattas are yet to be issued and had been kept for future purpose. The legal intervention sought by the land owners failed when writ petition No.2684 of 1994 was disposed of on 09.08.1994 with a direction to the government to get the claim petitions from the owners with a further direction to issue pattas to the eligible persons of the Adi-Dravidar Community, after considering and disposing the claim petitions. There were certain other proceedings because of the needful was not done within the time stipulated.*

3 . *The District Collector, Perambalur District, in his proceedings dated 05.09.2005, after denying the request of this owners issued orders to widen the pathway and a permanent way to be made. Once again legal proceedings were initiated by the land owners. Suffice to say that in writ petition No.23921 of 2008 decided on 19.06.2012, it has been clearly held that the request made by the land owners has to be rejected, as the land was acquired only for house sites for the Adi-Dravidar people of the area. if the purpose has to be altered, necessarily government permission is required.*

4 . *The reason for non implementation of the purpose for which the land was acquired is alleged to be the agitation of the land owners, who obstructed the process of law.*



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5 . *It our view, it hardly lies in the mouth of the State Government to state that it is unable to implement its own orders and decisions despite the order of the High Court only because some people chose to take law into their own hand and prevent implementations. Such a plea cannot be countenanced.*

6 . *We, thus, direct the first five respondents being different limbs of the State to proceed in accordance with law to implement the decision for which purpose the land was acquired, issue patta to the members of the Adi-Dravidar community and hand over possession as per law.*

11. From the above, it is clear that the claim made by the plaintiffs/owners of the properties have been negated by this court in the writ proceedings and the impugned notice has been issued by the 4th respondent, just to implement the direction issued by this court in the writ petition, by treating the plaintiffs as encroachers.

12. The plaintiffs, though claimed ownership of the suit properties based on the sale deed executed in the year 1981, they have not produced any document to prove their title over the suit properties. Admittedly, land acquisition proceedings have been initiated in respect of the suit properties for the purpose of providing house sites to the persons belonging the Adi-dravidar community. The writ petition filed by the plaintiffs/land owners also ended in favour of the department and the claim made by the plaintiffs was negated.



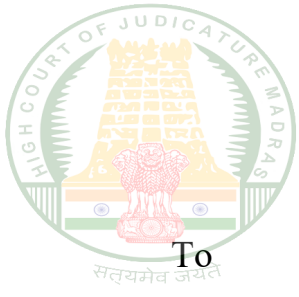
Therefore, absolutely there is nothing on record to suggest that the plaintiffs have got any right over the suit properties and they also failed to prove their alleged long possession over the suit properties. It is to be noted that the plaintiffs have not filed a suit for declaration of title and they simply sought for a declaration that the impugned notice issued by the 4th defendant, treating the plaintiffs as encroachers is null and void. There is no basis for declaring the notice issued by the 4th respondent as null and void, in the absence of plaintiffs establishing any semblance of right over the suit properties. The courts below by relying upon the order passed by this court in the writ petition marked as Ex.A1, rightly negated the claim made by the plaintiffs and dismissed the suit. I do not find any error in the conclusion reached by the courts below and no substantial question of law arising for consideration in this second appeal.

13. Accordingly, both the second appeals stand dismissed, confirming the findings of the courts below. Connected miscellaneous petitions are closed. There shall be no order as to costs.

03-06-2026

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

MST



To

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1. The Additional Subordinate Judge, Ariyalur.
2. The Additional District Munsif, Ariyalur.



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SA Nos. 324 of 2026 and 338 of 2



S.SOUNTHAR, J.

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SA Nos. 324 and 338 of 2026

03-06-2026