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CRP Nos. 1955 and 3240 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP Nos. 1955 and 3240 of 2026
and CMPNos.8742 and 14110 of 2026**

1. J.M.Palanisamy (died) 1.Arukkani
W/o Late J.M.Palanisamy, res at
Chinniyampalayam, Jambai Village,
Bhavani Taluk, Erode District and 3 Others
2. Dinesh Kumar
S/o. late J.M.Palanisamy, res at
Chinniyampalayam, Jambai Village,
Bhavani Taluk, Erode District
3. Thangavel
S/o. late MuniappaGounder res at
Chinniyampalayam, Jambai Village,
Bhavani Taluk, Erode District
4. J.M. Perumal
S/o. late MuniappaGounder res at
Chinniyampalayam, Jambai Village,
Bhavani Taluk, Erode District

Petitioners in both the revisions

Vs

1. Narayanan (died), Veeran (died) 1.
Venkatachalam
S/o Late Veeran, D.No 135,Gandhi Street,
Aalanthu Kombai, Sathyamangalam Tk,
Erode District
2.Kuppayee
D/o. late Veeran, W/o. Duraisamy, D.No.
35, MariammanKovil Street, Jambai
Village, BhavaniTaluk, Erode District.



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3. Gomathi

D/o. late Veeran, W/o. Senthilkumar, D.No. 5/31, Ponni Nagar, Thattankuttai, Tiruchengode Taluk, Namakkal District. Kuruvan (died)

4. Rasammal

W/o. late Kuruvan, D.No. 2, Periyandavar Street, Jambai Village, Bhavani Taluk, Erode District.

5. Veerammal

D/o. late Kuruvan, W/o. Ranganathan, D.No. 6/59, Karupilangkadu, Vaniyambadi, A. Bethampatti, Salem District.

6. Chinnammal

D/o. late Kuruvan, W/o. Rajan, D.No. 116, Mariamman Koil Street, Jambai Village, Bhavani Taluk, Erode District.

7. Shanthi

D/o. late Kuruvan, W/o. Appusamy, D.No. 415, Thaneerpandal, Kallipatti 638 305, Gobichettipalayam, Erode District

8. Palaniammal

D/o. late Kuruvan, W/o. Murugesan, D.No. 37, Andavar Kovil Street, Jambai 638 312, Bhavani Taluk, Erode District

9. Prema

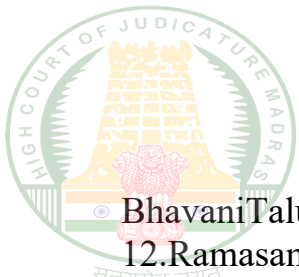
D/o. late Kuruvan, W/o. Gnanasekar, D.No. 80, Ottapalayam, Vellakaradur, Olagadam 638 314, Anthiyur Taluk, Erode District.

10. Arayee

D/o. late Kuruvan, W/o. Muthu, D.No. 81, Mariamman Koil Street, Jambai 638 312, Bhavani Taluk, Erode District.

11. Pushpa

D/o. late Kuruvan, W/o. Kumar, D.No 14, Andavar Kovil Street, Jambai 638 312,



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Bhavani Taluk, Erode District.

12. Ramasamy

S/o. Lakshmana Boyan, D.No.3,
Periyandavar Street, Jambai 638 312,
Bhavani Taluk, Erode District.

Narayana Gounder (exonerated)

13. Arulsamy

S/o. Narayanan, D.No. 100,
Vilayattu Mariamman Koil Street, Jambai
Village, Bhavani Taluk, Erode District.

14. Saravanan

S/o. Perumal Gounder, residing at
Chinniyampalayam, Jambai 638 312,
Bhavani Taluk, Erode District.

15. Sengottaiyan

S/o. Perumal Gounder, residing at
Chinniyampalayam, Jambai 638 312,
Bhavani Taluk, Erode District.

16. Kanthasamy

S/o. Perumal Gounder, residing at
Chinniyampalayam, Jambai 638 312,
Bhavani Taluk, Erode District.

Nallasamy Gounder (died)

17. Sampooranam

D/o. late Nallasamy Gounder, W/o.
Karunamoorthy, D.No. 30,
Perandai Kattu Thottam, Sathy Main Road,
Jambai 638 312, Bhavani Taluk, Erode
District

18. Selvi

D/o. late Nallasamy Gounder, W/o.
Kannaiyan, D.No.2/289, Nochikkattuvalasu,
Pudur Post, 46. Pudur, Erode District.
Karupana Gounder (died)

19. Subramaniam

S/o. late Karuppana Gounder, D.No. 278,
Perandai Kattu Thottam, Jambai 638 312,
Bhavani Taluk, Erode District



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20.Jothilakshmi
W/o. Dhanakodi, residing at D.No. 278A,
PerandaiKattuThottam, Jambai 638 312
Bhavani Taluk Erode District.

Respondent(s)

CRP No.1955 of 2026 filed against the fair and decreetal order dated 12.12.2025 made in E.A.No.2 of 2025 in EP No.10 of 2024 in O.S.No.721 of 1991 on the file of District Munsif Court, Bhavani.

CRP No.3240 of 2026 filed against the fair and decreetal order dated 10.04.2026 made in EP No.10 of 2024 in O.S.No.721 of 1991 on the file of District Munsif Court, Bhavani.

For Petitioner(s): N.Manoharan

For Respondent(s): M/s.R.Nalliyappan
For R2, R8, R10 To R12

COMMON ORDER

Challenging the orders passed in E.A.No.2 of 2025 and EP No.10 of 2024, the defendants 4 to 7 have filed the above revisions.

2. Before the executing court, the revision petitioners/defendants 4 to 7 have filed application to examine the Tasildar in order to speak about the Survey No.850/8 with regard to the pathway cart track by comparing with field measurement book. The application was dismissed by the executing court holding that the Advocate



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Commissioner has measured the property along with Surveyor and Report was also submitted and the findings were confirmed upto Second Appeal in S.A.Nos.1241 and 1242 of 2000 dated 07.06.2022. Further, three times, the property was measured with the help of the Tasildar. Even on one occasion, the property was measured with the help of Tasildar and Surveyor and the Commissioner's Report reveals that the breadth of the cart track is originally 6.8 mtrs, but, as per the Advocate Commissioner's Report, there is an encroachment which was already confirmed and there is no necessity to examine the revenue officials for that purpose. Therefore the application was dismissed. Aggrieved by the same, the defendants 4 to 7 have filed the above revision.

3. Learned counsel for the petitioners submits that in all the reports, there is variation in respect of the breadth of the suit cart track as found in Exs.A.1 to A.6 and Exs.B.1 to B.5. Therefore, as on date, the measurement in three Field Measurement Book also differs in respect of the cart track and therefore, to clarify the same, the Tasildar is to be summoned, but the Court has not given such opportunity.

4. On perusal of records, the suit filed by the parties in O.S.No.721 of 1991 ended upto Second Appeal. Thereafter, the plaintiffs filed execution petition in EP No.10 of 2024 to execute the decree and sought for removal of the encroachment as per



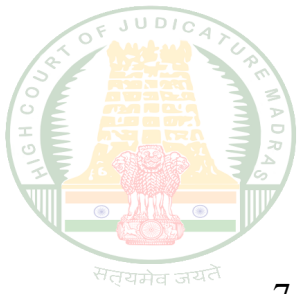
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the decree in the suit cart track. The Report of the Advocate Commissioner also forms part of the order.

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5. At this stage, the defendants 4 to 7 filed an application to examine the revenue officials before the executing Court. On perusal of the judgment of S.A.Nos.1241 and 1242 of 2000 dated 07.06.2022, this Court held that the plaintiffs shall maintain the cart track as per the revenue records but shall not encroach the same for the sake of their convenience and also directed to remove the encroachment from the said land.

6. As on date the fact reveals that the property was already measured by the Advocate Commissioner with the help of Surveyor and revenue officials and as per Ex.B.2 the breadth of path way claimed as 6.8 mtr and that was prepared by the revenue officials in the year 1972. So as per the revenue records, as on date, the breadth of the pathway shown as 6.8 mtr. But, there is an encroachment in the path way as per the Report of the Advocate Commissioner and the same was directed to be removed as per the order dated 07.06.2022 in S.A.Nos.1241 and 1242 of 2000, which is sufficient to proceed with the execution petition. Therefore, examination of revenue officials is not necessary since already the path way was measured in the presence of revenue officials.



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7. As per the findings of the Second Appeal, the execution proceedings were initiated and therefore, the order passed by the executing court does not require interference and the said order of delivery challenged by the revision petitioners is not maintainable.

8. Under such circumstances, both the civil revision petitions are dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking order

To

The District Munsif Court, Bhavani



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sr

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