



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

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

CRP No. 5944 of 2025

AND

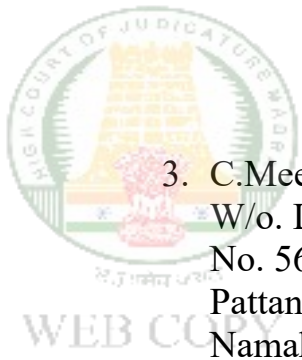
CMP NO. 29332 OF 2025

1. S.Venkatasalam
S/O. Sukkiramnai Udayar,
NO.34/5, Near Karuppanar Kovil, Pitchappa
Udayar Thottam, Pattanam Post, Rasipuram
Taluk, Namakkal District.
2. V.Shanmugavalli,
W/o. Venkatasalam,
No. 34/5, Near Karuppanar Kovil,
Pitchappa Udayar Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District
3. V.Mathiarasu,
S/o. Venkatasalam,
No. 34/5, Near Karuppanar Kovil,
Pitchappa Udayar Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District

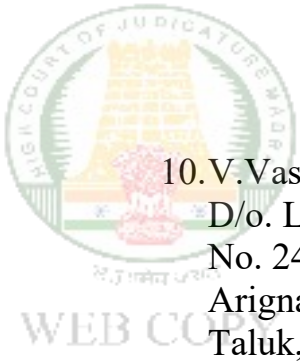
..Petitioner(s)

Vs

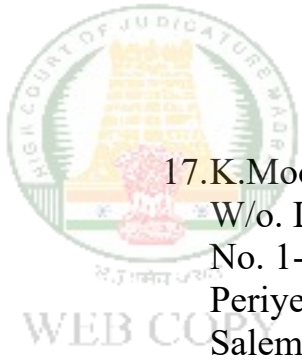
1. M. Rajagopal
S/O. Late Muthudaiyar,
No.1/1A-5, Ellappa Street, No.3, Rasipuram
Post and Taluk, Namakkal District.
2. R.Tamilmani,
W/o. Rajendran,
No. 37/112, Periyakadu,
R. Puduppalayam Post,
Rasipuram Taluk, Namakkal District.



3. C.Meenakshi,
W/o. Late Chinnathambi,
No. 56, Karuppanar Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
4. C.Selvam,
W/o. Late Chinnathambi,
No. 133/12, School Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
5. C.Sekar,
S/o. Late Chinnathambi,
No. 56, Karuppanar Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District
6. C.Rajendran,
S/o. Late Chidambaram,
No. 66/2, Pavathal Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District
7. S.Jayanthi,
W/o. Late Subramani,
No. 66/38B, Karuppayi Thottam,
Pavathal Kovil Street, Pattanam Post,
Rasipuram Taluk, Namakkal District.
8. S.Indirajith,
S/o. Late Subramani,
No. 66/38B, Karuppayi Thottam,
Pavathal Kovil Street, Pattanam Post,
Rasipuram Taluk, Namakkal District
9. S.Sivabakyam,
D/o. Late Santhappa Udayar,
No. 3/4, 3rd Ward,
Vadugam, Muniyappampalayam Post,
Kutchikadu, Pattanam, Rasipuram Taluk,
Namakkal District.



10. V.Vasantha,
D/o. Late Vaidiyalingam,
No. 24, Near Manickam Hospital,
Arignar Anna Salai, Rasipuram Town and
Taluk, Namakkal District
11. V.Karikalan,
S/o. Late Vaidiyalingam,
No. 6/7, Kutchikadu,
Vadugam, Muniyappampalayam Post,
Pattanam, Rasipuram Taluk,
Namakkal District.
12. S.Rathinam,
D/o. Late Santhappa Udayar,
No. 69/71B, School Street, Pattanam Post,
Rasipuram Taluk, Namakkal District.
13. S.Chakravarthy,
S/o. Late M. Sivanandam,
No. 6/2A-1, Lakshmanasami Street,
Vijayalakshmi Puram, Ambattur,
Chennai 53.
14. S.Thangadurai,
S/o. Late M. Sivanandam,
No. 69/71B, School Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District
15. V.Chellammal,
W/o. Late Velayutham,
No. 49/4, Karuppanar Kovil Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
16. V.Rani,
D/o. Late Velayutham,
No. 49/4, Karuppanar Kovil Street,
Pattanam Post,
Rasipuram Taluk,
Namakkal District.



- 17.K.Mookayi,
W/o. Late Kandhasamy,
No. 1-281, Udaiyar Kaadu,
Periyeri Village, Thalaivasal Taluk,
Salem District
- 18.N.Kannammal,
W/o. Late Nadesan,
No. 56/61, Karuppanar Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District
- 19.N.Karthikeyan,
S/o. Late Nadesan,
No. 56/61, Karuppanar Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
- 20.N.Geetha,
W/o. Sukumar,
No. 64, Mettukadu,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
- 21.K.Ganesan,
S/o. Late Kandhasamy Udayar,
No. 47, North Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
- 22.S.Shanthi,
W/o. Late Sambath,
No. 1-281, Udaiyar Kaadu,
Periyeri Village, Thalaivasal Taluk,
Salem District.
- 23.S.Prabhakaran,
S/o. Late Sambath,
No. 1-281, Udaiyar Kaadu,
Periyeri Village, Thalaivasal Taluk,
Salem District.



24. M. Ammani,
W/o. Murugakrishnan,
D/o Late Thandavaraya Udayar,
No. 4/2, Pavathal Kovil Street,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
25. V. Manickam,
S/o. Late Vaiyapuri,
No. 31/4, K.V.K. Colony,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
26. V. Subramani,
S/o. Late Vaiyapuri,
No. 48/4, Karuppanar Kovil Street,
Pattanam Post,
Rasipuram Taluk,
Namakkal District.
27. T. Muthammal,
W/o Late Kumarasamy,
No. 76/4, Karuppanar Kovil Street,
Sundapatti Kaadu, Pattanam Post,
Rasipuram Taluk, Namakkal District.
28. K. Subramani,
S/o Late Kumarasamy,
No. 76/4, Karuppanar Kovil Street,
Sundapatti Kaadu, Pattanam Post,
Rasipuram Taluk, Namakkal District.
29. K. Ramasamy,
S/o Late Kumarasamy,
No. 76/4, Karuppanar Kovil Street,
Sundapatti Kaadu, Pattanam Post,
Rasipuram Taluk, Namakkal District.
30. R. Susheela,
D/o Late Ramasamy,
Balappa Udayar Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District.



31. R. Jayamani,
D/o Late Ramasamy,
Near Karuppanar Kovil,
Pitchappa Udayar Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
32. V. Raja,
S/o Late Velayutham,
No. 49/4, Karuppanar Kovil Thottam,
Pattanam Post, Rasipuram Taluk,
Namakkal District.
33. S. Karunakaran,
S/o Late Sambath,
No. 254/36, Karuppanar Kovil Street,
Sundapatti Kaadu, Pattanam Post,
Rasipuram Taluk, Namakkal District.
34. B. Sobi,
W/o Bharathwaj,
Koneripatti, Maharaja Nagar,
Rasipuram Taluk,
Namakkal District.
35. The Tahsildar,
Office of the Tahsildar,
Rasipuram.
36. Revenue Divisional Officer,
Office of the RDO,
Mohanur Road,
Namakkal
37. The Government of Tamil Nadu,
rep. By The District Collector,
District Collectorate,
Tiruchengode Road,
Namakkal.

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the Fair and Decretal Order dated 04.12.2024 passed in I.A.No.04 of 2024 in O.S.No.27 of 2024 on the file of the Sub Court, Rasipuram and allow the Civil Revision Petition.

For Petitioner(s): Mr.R.Murali

For Respondent(s): Mr.N.Vanaraj
for R1 To R8, R10 To R19 And R21 To R29

Mr.M.Murali
Government Advocate for R35 To R37
R9 - Died
R20 & R34 - Insufficient Address
R30 To R33 - No Appearance

ORDER

Challenging the impugned order passed in IA No. 4 of 2024 in OS No.27 of 2024 passed by the learned Subordinate Judge, Rasipuram, the Revision Petitioners/defendants 1 to 3 have preferred this Civil Revision Petition.

2.Before the trial court, the Revision Petitioners/plaintiffs 1 to 29 have filed an application seeking to appoint an advocate commissioner along with Surveyor to measure the suit schedule property as well as the properties belonging to them and the 31st respondent herein as per parent document dated 02.03.1925 comprised in Survey Nos. 366/5A, 5B and 5D, 'A' schedule property of the said application and also sought to identify and record the alleged encroachments said to have been made by them and the 31st respondent



in the 'C' schedule property and to note down the physical features of suit schedule property. The said application was allowed by the trial judge holding that the reason stated in the application was satisfied and appointed an advocate commissioner, however the defendants have not submitted any objections. Aggrieved over that, the revision petitioners/defendants 1 to 3 have preferred this Civil Revision Petition.

3. The learned counsel for revision petitioners/defendants 1 to 3 would submit that in order to collect evidence, the plaintiffs wanted to appoint an Advocate Commissioner, which is not permissible under law. Further, he would submit that in respect of the relief claimed in the suit for declaration, the plaintiffs have to prove their defence, but not as per the report of Advocate Commissioner. It is the settled proposition. But, without considering the same, the trial judge had erroneously allowed the application. Hence, he prayed to set aside the findings of trial judge.

4. The learned counsel for respondents 1 to 8, 10 to 29 and 21 to 29 would submit that the suit properties are under their possession long back and for several decades they are in enjoyment of the properties, but now the defendants are causing disturbance and in order to identify the alleged encroachment, they wanted to appoint an advocate commissioner and the application was rightly allowed by the trial judge. Hence, he prayed to dismiss this Civil Revision Petition.



5. Heard and considered rival submissions made on either side and perused the materials available on record.

6. Considering both side submissions, the fact reveals that before the trial court, in the year 2018, the plaintiffs have filed the suit for the relief of declaration and other consequential relief. The defendants have also contested the same. In the meanwhile, they have filed an application seeking for appointment of Advocate Commissioner, but the defendants have not raised any objections. So, the trial judge appointed the Advocate Commissioner. But, now the defendants have raised objections stating that for collection of evidence, they came forward with the said application. However, to prove their case, the plaintiffs are entitled to file the said application, since the suit was filed in the year of 2018. Therefore, the findings rendered in IA No. 4 of 2024 in OS No. 27 of 2024 passed by the Subordinate Judge, Rasipuram is confirmed and this Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

17-04-2026

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

RPP

To

The Subordinate Judge, Rasipuram.



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CRP No. 5944 of 2



T.V.THAMILSELVI J.

RPP

**CRP No. 5944 of 2025
AND
CMP NO. 29332 OF 2025**

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