



CRP(MD). No.2065 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2026

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

CRP(MD).No.2065 of 2026

and

CMP(MD).No.9868 of 2026

Karuppaiya

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep., by the District Collector,
Virudhunagar District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruchuli.
3. The Block Development Officer,
Village Panchayat,
Narikudi.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of The Constitution of India to call for the records and set aside the Fair and Decreetal order dated 26.02.2025 in I.A.No.2 of 2024 in O.S.No.37 of 2024 on the file of District Munsif cum Judicial Magistrate Court, Thiruchuli and allow this Civil Revision with costs throughout and thereby render justice.



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For Petitioner : Mr.S.Jaya Vasanthan
For R1 & R2 : Mr.L.Siva
Government Advocate (Civil)

ORDER

The civil revision petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking appointment of an Advocate Commissioner.

2. The petitioner herein filed a suit seeking declaration of title and permanent injunction in respect of the property situated in S.No.250/29, with an extent of 14 cents.

3. According to the petitioner the suit property falls within the portion of their house. It is stated by the petitioner that the land in which the petitioner's house is situated belongs to his father Muniyandi. It is also stated that the property on the southern side of the house was purchased by petitioner's grandmother under a registered Document dated 02.06.1969. It is the case of the petitioner that the major portion of his house is situated in S.No.253/19 and the remaining portion falls in S.No.250/29.



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4. According to the petitioner, the house was constructed by them even during the lifetime of his grandfather and the lane portion situated on the adjacent side was illegally expanded and hence, now the respondent claims right over portion of the land in which the petitioner's house situated.

5. The respondents herein filed a written statement and resisted the suit mainly on the ground that the suit property in S.No.250/29 with an extent of 79 square meter is a Government Poramboke and hence, pressed for dismissal of the Suit.

6. Pending the suit, the petitioner filed an application for appointment of an Advocate Commissioner to measure the suit properties. If there is a dispute with reference to the location of the house of the plaintiff, appointment of an Advocate Commissioner is necessary. On the other hand, the petitioner himself filed a suit in respect of property situated in S.No.259/29 which is said to be Government Poramboke as per the case of the prosecution. Whether the property



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situated in S.No.259/29 is a Government Poramboke or private natham property can be established by producing revenue records. Therefore, the appointment of an Advocate Commissioner is not at all necessary.

7. In the light of the above discussions, I do not find any error in the impugned order passed by the trial Court dismissing the application seeking appointment of an Advocate Commissioner as the issue in the suit can be decided based on other evidence. Accordingly, the civil revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

07.08.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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S.SOUNTHAR, J.

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