

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1463 of 2016

and

C.M.P.No.8050 of 2016

P.Arumugam

... Petitioner

vs

R.Subramani

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 29.02.2016 passed in I.A.No.954 of 2015 in O.S.No.140 of 2015 on the file of District Munsif, Udhagamandalam, Nilgiris.

For Petitioner : Mr.R.Aranganathan

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ORDER

This revision challenges the order of learned District Munsif, Udhagamandalam, Nilgiris, passed in I.A.No.954 of 2015 in O.S.No.140 of 2015 on 29.02.2016.

2.Heard learned counsel for petitioner.

3.The revision petitioner has preferred O.S.No.140 of 2015 seeking a direction to the respondent / defendant to demolish the illegal construction carried out in the petitioner / plaintiff's land on the western side to an extent of 150 sq.ft., failing which, liberty be given to the petitioner / plaintiff to demolish the encroached portion and construction by the respondent / defendant or this Court may demolish the encroached portion in the petitioner / plaintiff's land by the respondent / defendant at the cost of the respondent / defendant, to execute a sale deed in favour of the petitioner / plaintiff and to deliver possession of the suit properties to the petitioner / plaintiff or in the alternative, to refund the advance amount with interest to the petitioner / plaintiff.

4.The revision petitioner moved I.A.No.954 of 2014 seeking appointment of an Advocate Commissioner towards measuring the allegedly encroached property and noting the physical features. In dismissing such application, the Court below, took note of the possession that the respondent / defendant had earlier moved O.S.No.136 of 2015 on the file of District Munsif, Udthagamandalam, Nilgiris, seeking relief from interfering with his peaceful possession and enjoyment, which is still pending, the petitioner / plaintiff has relied upon two unregistered and unstamped sale deeds dated 28.12.1995 and 11.05.2010 and that the petitioner / plaintiff has not filed any

revenue records to show that the property was in possession and enjoyment of the petitioner / plaintiff. The respondent / defendant had preferred a complaint against the petitioner / plaintiff's wife, who had sought to disturb him though there was a gap of two feet between the petitioner / plaintiff and respondent / defendant's properties. This Court finds no reason to interfere with the order under challenge.

5.The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

06.06.2016

Index : Yes / No
Internet : Yes

sri

To

The District Munsif,
Udhagamandalam, Nilgiris.

C.T.SELVAM, J

sri

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