

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1778 of 2016
and
C.M.P.No.9368 of 2016

K.Dinesh Sankar
S/o.Kalidass

... Petitioner

vs

1.The State of Tamil Nadu,
represented by
The District Collector,
Erode District.

2.The Thasildar,
Anthiyur Taluk,
Anthiyur.

3.The Revenue Inspector,
Bargur, Anthiyur Taluk,
Anthiyur.

4.The Officer In charge,
Bargur Breed Cattle Research Center,
(Tamil Nadu Agricultural University),
Bargur.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned Principal District Munsif, Bhavani, Erode District, passed in I.A.No.687 of 2015 in I.A.No.1680 of 2015 in O.S.No.543 of 2015 on 21.04.2016.

For Petitioner : Mr.I.C.Vasudevan

ORDER

This revision arises against the order of learned Principal District Munsif, Bhavani, Erode District, passed in I.A.No.687 of 2015 in I.A.No.1680 of 2015 in O.S.No.543 of 2015 on 21.04.2016.

2. Petitioner/plaintiff moved an action in O.S.No.543 of 2015 on the file of learned Principal District Munsif, Bhavani, Erode District, seeking the relief of injunction. Having earlier moved an application for appointment of Advocate Commissioner which application was allowed with a direction to the Advocate Commissioner to note the physical features, the petitioner subsequently moved I.A.No.687 of 2016 in I.A.No.1680 of 2015 in O.S.No.543 of 2015 seeking a direction to the same Advocate Commissioner to re-visit the suit properties (R.S.No.2413, 2414 of Bargur Village), measure the same and fix boundaries with the assistance of the qualified Government Surveyor. The Court below, under the impugned order, has dismissed the application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has informed thus:

“The relief sought in this petition is the relief prayed in earlier commissioner petition also. Only after careful consideration of facts and circumstances of the case, commissioner was appointed to note down the physical features alone. Moreover the relief sought by petitioner/plaintiff in above suit was mere bare injunction. In such circumstances fixing of boundary with help of VAO and Surveyor of suit property would amount to collection of evidence with regard to possession. Hence, the relief sought by petitioner is unwarranted for the facts of case and thus petition is dismissed.”

This Court finds no error in the order under challenge.

The Civil Revision Petition, accordingly, is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2016

Index:yes/no
Internet:yes
gm

To
The Principal District Munsif,
Bhavani,
Erode District.

C.T.SELVAM, J

gm

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