

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

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THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

CRP(PD).No.253 of 2017

and

CMP.No.1096 of 2017

Amuthavalli @ Valliammal

...Petitioner

Versus

1. The State rep. by its
District Collector
District Collector Office
Thummankurichy
Namakkal District, Namakkal.
2. The Tahsildar
Tahsildar Office
Rasipuram Taluk and Town
Namakkal District.
3. The Executive Officer
Arulmighu Mariamman Thirukoil
Rep. by its Executive Officer
Theangal Palayam,
Arulmighu Athanoor Amman Tirukoil Office
Athanoor Post, Rasipuram Taluk,
Namakkal District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the

Constitution of India to set aside the order dated 26.08.2016 made in I.A.No.61 of 2016 in O.S.No.25 of 2012, on the file of the Sub-Court, Rasipuram.

For Petitioner : Mr.N.Anand Venkatesh

ORDER

The plaintiff is the revision petitioner challenging the order, refusing to appoint a Commissioner in a suit for permanent injunction.

2. The allegations of the plaintiff is that the suit P Schedule property is in possession of the defendant / temple and got it by adverse possession. The plaintiff is enjoying the suit property along with the property described in P Schedule. Now, the appointment of Commissioner is sought for by the plaintiff to note down the physical features to explain to the Court about the possession of the plaintiff.

3. It is settled fact that the commissioner cannot be appointed to find out the factum of possession. The plaintiff has to

independently establish the possession in a suit for injunction. There is also no dispute to the measurement or the extent of the land in dispute. Therefore, the trial Court has rightly dismissed the application which does not warrant any interference.

Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2017

Index : Yes / No

Internet : Yes / No

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To

The Sub-Judge,
Sub-Court, Rasipuram.

PUSHPA SATHYANARAYANA.J

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<http://www.judis.nic.in>