

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.866 of 2017  
and C.M.P.No.4261 of 2017

1.Sivakami

2.Thilagam

3.Arul

4.Kanimozhi

5.Malar

6.Puviyarasan

7.Banumathi

8.Ramya

9.Venkatesan

... Petitioners

Vs.

1.The District Collector,  
District Collectorate,  
Dharmapuri District & Post.

2.Revenue Divisional Officer,  
Harur Taluk & Post,  
Dharmapuri District.

3.The Tahsildar,  
Pappireddipatti Taluk & Post,  
Dharmapuri District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.463 of 2012 in O.S.No.120 of 2012 dated 16.11.2012 on the file of the District Munsif cum Judicial Magistrate, Pappireddipatti.

For Petitioners : Mr.P.Valliappan

**ORDER**

Challenging the fair and final order passed in I.A.No.463 of 2012 in O.S.No.120 of 2012 on the file of the District Munsif cum Judicial Magistrate, Pappireddipatti, the plaintiffs have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.120 of 2012 for declaring their title on the ground that they have prescribed title by adverse possession and for permanent injunction.

3.The defendants filed their written statement and are contesting the suit.

4.In the suit, the plaintiffs took out an application in I.A.No.463 of 2012 seeking for appointment of an Advocate Commissioner to note down the physical features. Since the suit has been filed for declaration to declare that the plaintiffs have prescribed title by adverse possession, the issue that

has to be decided is whether the plaintiffs have prescribed title by adverse possession. No doubt that the defendants are at liberty to raise the issue of maintainability of the prayer sought for in the suit. The trial Court, taking into consideration all these aspects rightly dismissed the petition.

5.I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No  
Internet : Yes  
va

**10.03.2017**

To

The District Munsif cum Judicial Magistrate,  
Pappireddipatti.

**M.DURAISWAMY,J.**  
va

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**10.03.2017**  
**<http://www.judis.nic.in>**