



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Eighth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.SELVAM
and

The Hon`ble Mr.Justice N.AUTHINATHAN

SUB A(MD) No.92 of 2017
IN
CONT P(MD) No.303 of 2014

K.PANDI

... PETITIONER/PETITIONER/PETITIONER

Vs

MRS.GANGADEVI,
TAHSILDAR, SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.

... RESPONDENTS/CONTEMNOR/2nd RESPONDENT

This Petition is filed under order 26 Rule 9 of Civil Procedure code to appoint an Advocate Commissioner to inspect and report the removal of encroachment at survey No.463/1, Kannimarpatti Village, Malampatti Village, Sivagangai Taluk, Sivagangai District.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and the earlier order of this court and upon hearing the arguments of Mr.S.M.ANANTHA MURUGAN, Advocate for the petitioner, and of Mr.M.Govindan, Special Government Pleader on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **A.SELVAM, L.**)

This petition has been filed praying to appoint an Advocate Commissioner for the purpose mentioned in the petition.

2.It is averred in the petition that the petitioner has obtained an executable order in WP(MD)No.13952 of 2013 on the file of this Court. But the respondent has not obeyed the orders of this Court. Under the said circumstances, Cont.P(MD)No.303 of 2014 has been filed. During pendency of the same, for the purpose of noting down the present physical features, this petition has been filed.

3.The learned Special Government Pleader appearing for the respondent has contended that in pursuance of the order, the respondent has already removed encroachment.

4.Since the specific contention made on the side of the petitioner is that the encroachment has not been removed, this Court is inclined to pass the following order.



4. In fine, this petition is allowed and Advocate Ms.N.Irfana Fathima, No.40, Dr.Gopalan Street, Palani (Cell No.9171463030) is appointed as an Advocate Commissioner and her fee is fixed at Rs.5,000/- (Rupees five thousand only) and the same should be paid directly by the petitioner. The Advocate Commissioner, after giving proper notice to the petitioner and respondent, inspect the place mentioned in the petition, note down physical features and file report and plan by 21.04.2017.

5. Post the matter by 21.04.2017.

sd/-

Assistant Registrar(Records)

/ TRUE COPY /

Sub-Assistant Registrar

TO

1. MRS. GANGADEVI,
TAHSILDAR, SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

MS.N.IRFANA FATHIMA,
NO.40, DR.GOPALAN STREET,
PALANI.

ORDER DATED : 28/03/2017
HEARING DATE : 21/04/2017

O R D E R

SUB A(MD) No.92 of 2017
IN
CONT P(MD) No.303 of 2014

Directing appointment of
Advocate Commissioner and
giving other direction as
stated within.

AE/RR/SAR3/06.04.2017/2P/4C