



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice **A.SELVAM**

AND

The Hon`ble Mr.Justice **N.AUTHINATHAN**

WMP(MD) No.2885 of 2017

IN

WP(MD) No.24450 of 2016

V.GOPALSAMY

... PETITIONER / PETITIONER

Vs

1 THE SECRETARY,
REVENUE DEPARTMENT,
ST. GEORGE FORT, CHENNAI.

2 THE DISTRICT COLLECTOR,
THENI DISTRICT. THENI.

3 THE DISTRICT REVENUE OFFICER,
THENI DISTRICT. THENI.

4 THE REVENUE DIVISIONAL OFFICER
PERIYAKULAM, THENI DISTRICT.

5 THE TAHSILDAR,
THENI TALUK, THENI DISTRICT.

6 THE BLOCK DEVELOPMENT OFFICER,
THENI PANCHAYAT UNION,
PERIYAKULAM ROAD, THENI.

7 THE DISTRICT REGISTRAR,
O/O. THE DISTRICT REGISTRAR, THENKARAI,
PERIYAKULAM, THENI DISTRICT.

... RESPONDENTS / RESPONDENTS

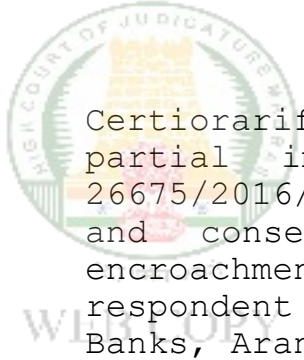
Prayer in WMP(MD). 2885/ 2017 :

Writ Miscellaneous Petition is filed Under Article 226 of constitution of India, praying this court to appoint an Advocate Commissioner to inspect the property in S.Nos.734/1 and 735/1 in Koduvilarpatti village, Aranmanaiputhur, Theni Taluk and to note down the physical features and to file the report before this Honble Court.

Prayer in WP(MD). 24450/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus, to call for the records pertaining to the partial impugned order of the 3rd respondent in Na.Ka.No. 26675/2016/Aa5 dated 31.08.2016 and set aside the same as illegal and consequently to direct the respondents to remove the encroachments by cancelling the documents registered by the 7th respondent in the S.No. 734/1 and 735/1 at Mullai Periyar River Banks, Aranmanaipudur, Theni Taluk, Theni District.

ORDER : This petition is coming for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and the typed set of the case and upon hearing the arguments of M/S.R.SHANKAR GANESH, Advocate for the petitioner and of M/S.K.GURU, Additional Government Pleader on behalf of the Respondents this court made the following order:-

[Order of the Court was made by **A.SELVAM, J.**]

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

2.It is averred in the petition that in Survey Nos.734/1 and 735/1, Koduvilarpatti Village, Aranmanaiputhur, Theni Taluk, certain encroachments are in existence and for the purpose of noting down the physical features, appointment of an Advocate Commissioner is very much essential and therefore the present petition has been filed for getting the relief sought therein.

3.Considering the main contentions putforth in W.P(MD)No.24450 of 2016 and also considering the nature of the relief sought in the present petition, this Court is of the view to pass the following order.

4.In fine, this petition is allowed. Advocate M/s.P.Krishnaveni, No.10, Law Chambers, High Court Buildings, Madurai is appointed as 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 is directed to find out the encroachments alleged to have been made in Survey Nos.734/1 and 735/1 with the assistance of revenue records and also with the assistance of a surveyor.

5.Commissioner Report and Plan by 13.04.2017.

sd/-

Assistant Registrar (Records)

/ TRUE COPY /



TO

- 1 THE SECRETARY,
REVENUE DEPARTMENT,
ST. GEORGE FORT, CHENNAI.
- 2 THE DISTRICT COLLECTOR,
THENI DISTRICT. THENI.
- 3 THE DISTRICT REVENUE OFFICER,
THENI DISTRICT. THENI.
- 4 THE REVENUE DIVISIONAL OFFICER
PERIYAKULAM, THENI DISTRICT.
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- 6 THE BLOCK DEVELOPMENT OFFICER,
THENI PANCHAYAT UNION,
PERIYAKULAM ROAD, THENI.
- 7 THE DISTRICT REGISTRAR,
O/O. THE DISTRICT REGISTRAR, THENKARAI,
PERIYAKULAM, THENI DISTRICT.

Copy to:

1. Mrs. P. Krishnaveni, Advocate Commissioner,
No. 10, Law Chambers,
High Court Buildings, Madurai.
2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai. [For Watching Report]

Order Dated: 22.03.2017

Hearing Date: 13.04.2017

ORDER

WMP (MD) No. 2885 of 2017
IN
WP (MD) No. 24450 of 2016

Giving direction and etc., as
stated within.



JM/SV MMS/27.03.2017/3P/10C

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