

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.809 of 2018
and
CMP.No.4467 of 2018

Narayanappa
represented by his power agent,
N.Sudhakaran,
S/o.Narayanappa,
No.44/14, Sunnambu Geebi,
Hosur 635 109,
Krishnagiri District

.. Petitioner

Vs

1.Krishnappa
2.Goopalliappa
3.Sampangiramaiah
4.Srinivasan
5.Nanjundappa
6.Narayanappa
7.Ramesh @ Lakkanna
8.The State of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Department,
Having Office at Fort.St.Goerge,
Chennai 600 009
9.The Special Thasildar,
Housing scheme, Land Acquisition
(TNHB Office),
Having Office at
Hosur 635 109

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 30.11.2017 in IA.No.130 of 2017 in OS.No.50 of 2011 on the file of the Additional District Judge, Hosur.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.V.P.K.Gowtham for R7

ORDER

By consent of both parties, the Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the revision petitioner / plaintiff has filed a suit in OS.No.50 of 2011 on the file of the Additional District Judge, Krishnagiri for partition and separate possession. The said suit was taken up for trial and plaintiff side evidence is pending. At this stage, the revision petitioner has filed the instant application in IA.No.130 of 2017 for appointment of an Advocate Commissioner to note down the physical features of the building and submit the report. The specific case of the revision petitioner is that there is an industrial shed and warehouse godown in the aforesaid property. Therefore, to prove the physical features of the property, the

revision petitioner has filed the instant application.

3. Per contra, the learned counsel for the respondent would submit that it is a vacant land. There is no building or industrial shed has been put up by the respondent. If at all, the revision petitioner can very well establish at the time of the trial of the suit to establish the contention of the revision petitioner. Therefore, the Civil Revision Petition is liable to be dismissed.

4. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent and perused the materials available on record.

5. By considering the facts and circumstances of the case, the revision petitioner has filed the instant application at the stage of examination of PW1 and further, when there is a dispute regarding the temporary industrial shed in the aforesaid property, the revision petitioner can very well establish the same before the court below by adducing oral and documentary evidence. Therefore, the present application for appointment of Advocate Commissioner cannot be entertained. Therefore, there is no warrant to interfere with the orders

passed by the court below and the Civil Revision Petition is liable to be dismissed.

6. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

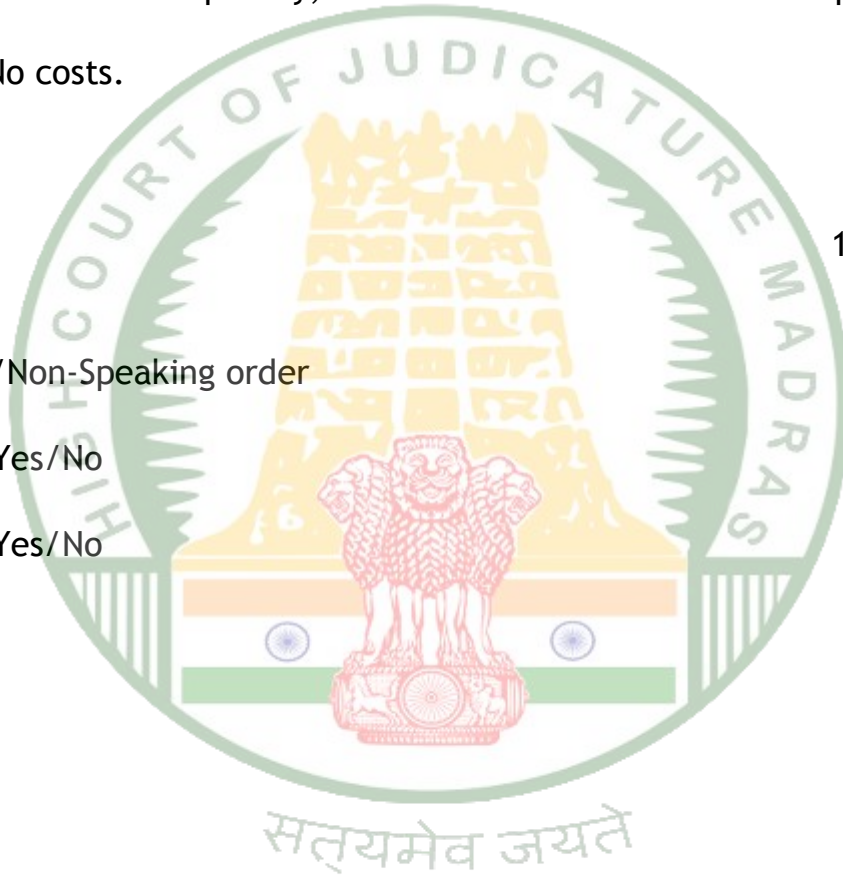
16.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

The Additional District Judge,
Hosur



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D. KRISHNAKUMAR J.,

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