

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 3950 of 2019

R.Rajamanickam ... Petitioner

Versus

1. The District Collector,
rep. by the State of Tamil Nadu,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode.
3. Block Development Officer,
Mallasamudram.
4. President,
Mangalam Village,
Mallasamudram Block,
Tiruchengode Taluk,
Namakkal District.

5. P.Manickam
6. S.Singaravelan
7. M.Ramasamy
8. K.Venkatachalam ... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Fair and Decreetal order dated 06.11.2019 in I.A.No.3 of 2019 in O.S. No.169 of 2012 on the file of the Principal District Munsif, Tiruchengode.

For Petitioners : Mr.E.P.Seniyangiri

For Respondents : Mr.Dev Narendran,
Govt. Advocate for R1 to R3

ORDER

This Civil Revision Petition has been filed challenging the order dismissing the application filed by the petitioner to summon the P.A. to District Collector to mark 'A' register and other documents relating to classification of land.

2. According to the petitioner, he has filed a suit for bare injunction claiming that, he is the exclusive owner of the property, and the respondents are trying to interfere with his possession. The respondents have filed a written statement contending that, in the suit property, there is a cart track and the petitioner is encroaching the same. In the above circumstances, the petitioner has filed an application under

Order 16 Rule 1 of C.P.C. to summon P.A. to District Collector to produce the 'A' register and other relevant documents to establish that it is not a common pathway, that application came to be dismissed by the Trial Court. Now, challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered the submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for respondents 1 and 2 and perused the records carefully.

4. On perusal of materials available on record, it is seen that, the suit is filed for bare injunction. It is the duty of the petitioner to prove his possession with valid documents. If at all, the respondents are contending that, it is a common pathway, it is for the defendant to prove the same. The petitioner need not take steps for proving the same. That apart, the document, which is sought to be marked through the witness is a public document. Hence, it is always open for the petitioner to get the certified copy of the same, and mark it before the Trial Court during trial. For that purpose, the P.A. to District Collector need not be called for giving evidence. Hence, the Trial Court has rightly dismissed

the application filed in I.A. 3 of 2019 in O.S. 169 of 2012. I find no illegality or irregularity in the order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. However, it is open for the petitioner to establish his case by marking the certified copy of documents before the Trial Court. No costs.

04.12.2019

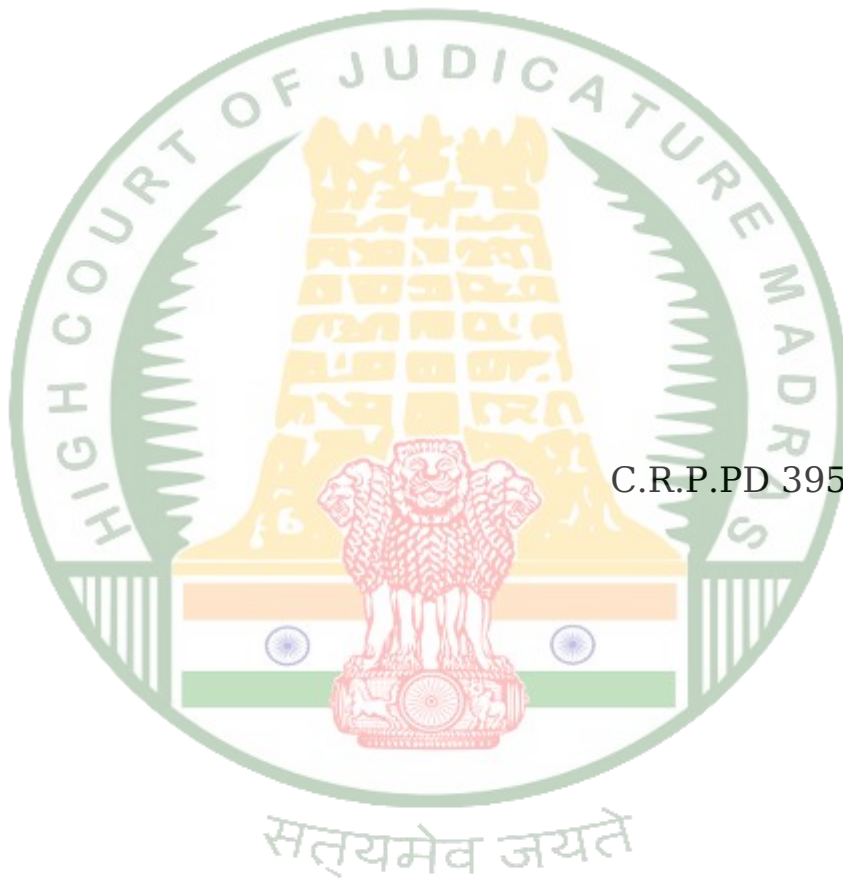
Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
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To

1. Principal District Judge,
Principal District Munsif Court,
Thiruchengode.
2. The District Collector,
rep. by the State of Tamil Nadu,
Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode.
4. Block Development Officer,
Mallasamudram.

V.BHARATHIDASAN,J.

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