

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P(PD).No.2744 of 2017
and
C.M.P.No.12997 of 2017

1. T. Kumaraguru
2. T. Shanmugham
3. S. Meenakshi
4. S. Krishnaveni Ammal
5. V. Jayaraman ... Petitioners

1. J. Abiramasundari
2. T. Dhanalakshmi
3. P. Padmavathy
4. Kanagasabai ... Respondents

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PRAYER : Civil Revision Petition filed under article 227 of Constitution of India praying to set aside the communication dated 24.05.2017 Mu.Mu.A4/1659/2017 passed by the Sub-collector, Cuddalore and the Principal District Judge, Cuddalore in O.S.No.101 of 2011.

For Petitioner : Mr. R. Gururaj

ORDER

The Civil Revision Petition has been filed against the communication sent by the Sub-Collector, Cuddalore regarding valuation of the property.

2. The petitioners are the defendants 2 to 6 in the suit. The respondents 1 to 3/plaintiffs filed the suit in O.S.No.101 of 2011 on the file of the Principal District Court, Cuddalore for partition, in which, they want to mark a document, which is un-registered and duly stamped. The trial Court, sent it to the Collector for proper valuation of the property and based on that order, now

the Sub-Collector, Cuddalore sent a communication to the Trial Court fixing the market value at Rs.5,67,209/-. Now, challenging that communication, the present revision has been filed.

3. I have heard the learned counsel for the petitioners and perused the materials available on records carefully.

4. First of all, the revision petition is not maintainable against the communication sent by the Sub-Collector to the trial Court. If at all, the petitioners have any grievance over the market value fixed by the District Collector or the procedure adopted by the Sub-Collector, it is always open to them to raise their objection before the trial Court, when the trial Court take up the matter for fixing the value of the document. Instead of that, the petitioners cannot maintain the petition.

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5. Hence, the Civil Revision Petition is dismissed. However, it is always open to the petitioners to raise their objections regarding the market value fixed by the Collector before the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order

mrp

To

The Principal District Judge, Cuddalore

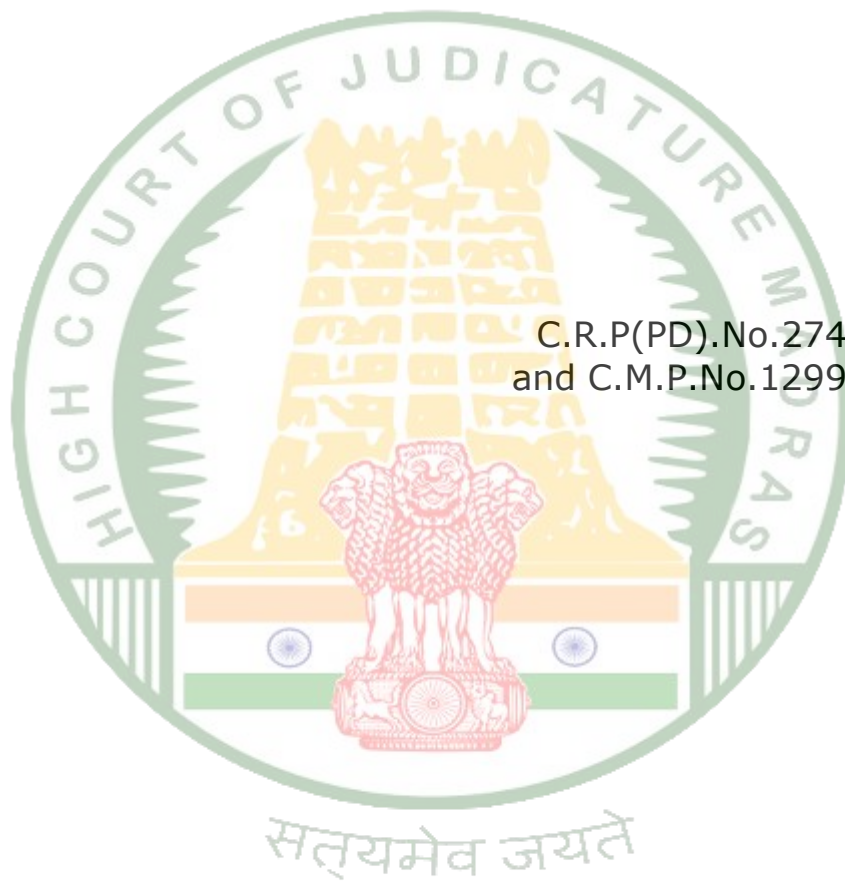
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V.BHARATHIDASAN, J

mrp



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