

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.1099 of 2019
and C.M.P. No.7238 of 2019

Syed Salam

Petitioner /
Plaintiff

versus

1.Sardhar
2.Riyastheen
3.Jeenath
4.Infana Beham
5.Rajiya

Respondents /
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.02.2019 passed by the learned District Munsif, Pappireddipatti in I.A.No.1297 of 2018 in O.S.No.211 of 2009 and consequently allow the said I.A.No.1297 of 2018.

For Petitioner : Mr. R.Saravanan

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed to set aside the order dated 07.02.2019 passed by the learned District Munsif, Pappireddipatti in I.A.No.1297 of 2018 in O.S.No.211 of 2009.

2. The learned counsel for the petitioner submitted that, the suit was filed for the relief of permanent injunction against the respondents. An application was filed for appointment of Advocate Commissioner along with Surveyor to inspect the suit property and file a report. Accordingly, the Advocate Commissioner inspected the suit property along with Surveyor and filed the report. There are some discrepancies in the Commissioner's report with reference to the survey map mentioned in the Commissioner report. Therefore, this petitioner filed I.A.No.1297 of 2018 to summon the Assistant Director, Survey and Land Records, Dharmapuri, to examine him as the witness.

3. There is no representation for the respondents.

4. Heard the submissions of the learned counsel for the petitioner and perused the records.

5. Admittedly, the suit was filed for injunction. In a suit for injunction, petition to appoint the Advocate Commissioner to inspect the suit property along with Surveyor was filed and allowed. The Commissioner inspected and measured the suit property along with Surveyor and filed the report. The petitioner alleges that, there are some discrepancies in the Advocate Commissioner's report and there is no clarity as to whether the Commissioner inspected and measured the property with the help of documents of title. Commissioner has also not filed the Field Measurement Sketch. Therefore, it is necessary that the Assistant Director, Survey and Land Records, Dharmapuri, has to be summoned.

6. Assistant Director, Survey and Land Records, is a Senior Officer in the Survey and Land Records Department. It is seen that the property was inspected by the Advocate Commissioner along with Surveyor. If really, the petitioner wants to get any clarification with regard to the inspection carried out, it is enough if the petitioner summons the Surveyor, who accompanied the Advocate Commissioner for inspection of the property. It is not necessary to summon the Senior Officer like Assistant

Director, Survey and Land Records, for clarification. If so advised, the petitioner may file another application for summoning the Surveyor, who accompanied the Advocate Commissioner to inspect the suit property for examining him as the witness.

7. In such view of the matter, this Court does not want to interfere with the order of the learned District Munsif, Pappireddipatti and the order dated 07.02.2019 passed in I.A.No.1297 of 2018 in O.S.No.211 of 2009, is hereby confirmed.

8. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

27.09.2021

Speaking order / Non-speaking order

Index : Yes / No

sri

To

The District Munsif,

4/6

Pappireddipatti.



WEB COPY

G.CHANDRASEKHARAN, J.

sri



C.R.P. (PD) No.1099 of 2019
and C.M.P. No.7238 of 2019

WEB COPY

27.09.2021