



C.R.P(PD)No.2421 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 2421 of 2021

and

CMP.No.18401 of 2021

Kuppammal

..Petitioner

Vs.

1.Ramu

2.The President,
Setharampattu Village Panchayath,
Polur Taluk, Thiruvannamalai District.

3.The Block Development Officer,
Block Development Office,
Polur Taluk, Thiruvannamalai District.

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decreetal order passed by the learned District Munsif, Polur, Thiruvannamalai District in IA.No.513 of 2016 in OS.No.264 of 2013 dated 12.12.2017.

For Petitioner : Mr.S.V.Karthikeyan



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ORDER

The challenge in this revision is to the order of the Trial Court in dismissing IA.No.513 of 2016 filed by the petitioner seeking to scrap the report of the Commissioner and to appoint a new Commissioner with a direction to him to take the help of a District Surveyor to measure the land and file his report.

2.Heard Mr.S.V.Karthikeyan, learned counsel appearing for the petitioner.

3.In fact, the earlier Commissioner was appointed at the instance of the petitioner and he has filed a report and the petitioner has also filed her objections to the report of the Commissioner. Thereafter, the petitioner has come up with this application. The Trial Court has dismissed the application on the ground that the petitioner has not made out a sufficient cause for scrapping the report of the Commissioner. It is seen that the order of the Trial Court is dated 12.12.2017 and this revision was filed on 28.09.2021 i.e., nearly after four years. Though the revision cannot be said to be barred by time, it is liable to be rejected on the sole ground of laches.

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This civil revision petition therefore, fails and it is accordingly dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

4.It will be open to the petitioner to examine the Commissioner and demonstrate that his report is erroneous. If the petitioner is successful in demonstrating that the report of the Commissioner is erroneous and the Court also finds so, it is always open to the Trial Court to appoint a new Commissioner to ascertain the correct position. In deciding on the veracity of the Commissioner's report, the Trial Court will not be influenced by any of the observations made in the order impugned in this revision.

12.11.2021

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Index:No
Internet:Yes
Speaking



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To:-
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- 1.The District Munsif,
Polur, Thiruvannamalai District.
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R.SUBRAMANIAN, J.

KKN

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