

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(PD).No.3624 of 2018

1.Gopal Mudaliar

2.Smt. Shanthi

... Petitioners

Versus

1.Tamil Nadu State Government rep.
by its Administrative Head
The Collector of Vellore District,
Vellore.

2.Chief Educational Officer,
Vellore District,
Vellore.

3.District Educational Officer,
Vellore District,
Vellore.

4.Head Master,
Government Higher Secondary School,
Ponnai.

5.Parents Teachers Association,
Rep. by its President Ravi,
Government Higher Secondary School,
Ponnai.

... Respondents

Civil Revision Petition is filed under Section 227 of the Code of

Constitution of India, to direct the District Munsif at Katpadi, Vellore District, to dispose the Interlocutory Application being I.A.No.679 of 2010 in O.S.No.206 of 2009 at an early date which was filed on 02.08.2010 and pass such other or further orders may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.Manoharan V.

For R1 to R3 : Mr.Y.T.Aravind Gosh
Additional Government Pleader

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ORDER

This Civil Revision Petition has been filed to direct the District Munsif at Katpadi, Vellore District, to dispose of the Interlocutory Application in I.A.No.679 of 2010 in O.S.No.206 of 2009 at an early date, though the application was filed in the year 2010.

2.Per contra, the learned Additional Government Pleader appearing for the respondent Nos.1 to 3 fairly submitted that I.A. No.679 of 2010 was filed initially to appoint the Advocate Commissioner. The Advocate Commissioner had returned the warrant along with the memo stating that the survey number and boundaries of the suit property are wrong and subsequently,

the other survey number was furnished and the amendment application was filed to amend the survey number. He submitted that it was allowed and subsequently, the Advocate Commissioner was once again ordered to submit the report. However, the Advocate Commissioner has not filed the report as directed by the court below.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondent Nos.1 to 3.

4. On perusal of the documents, the Court below initially appointed the Advocate Commissioner in I.A.No.679 of 2010. But the said Advocate Commissioner returned the warrant for the lack of particulars with regard to the survey number and none furnishing of the correct survey number. Hence he returned the warrant. Subsequently, the revision petitioners filed an application in under Order 6 Rule 17 of the Code of Civil Procedure, to amend the survey number and the same was allowed. The warrant was re-issued and the Advocate Commissioner has not filed the report and the application in I.A.No.679 of 2010 is pending.

5. Under these circumstances, this Court is of the view to pass the following orders:

1. The Advocate Commissioner is directed to complete the work as directed by the court below, within a period of two months, from the date of receipt of a copy of this order;

2. The Advocate Commissioner is also directed to file his report, within a period of three months from the date of receipt of a copy of this order;

3. The Tahsildar belongs to the jurisdiction who is not a party in this civil revision petition, though the petitioners has not impleaded the Tahsildar, where the property is situated, the Tahsildar is directed to co-operate with the Advocate Commissioner and to assist him to measure the property with the aid of the land surveyor;

4. If at all if there is any objections to the Advocate Commissioner's report, both the parties are directed to file their objections, within a period of thirty days from the date of receipt of a copy of the Advocate

Commissioner's report;

5.The parties shall be allowed to cross examine the Advocate Commissioner, if so desired, within a period of one month from the date of the filing of objection; and

6.Thereafter, the court below shall dispose of the objection, within a period of thirty days.

6.With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

26.02.2021

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

- 1.The District Munsif at Katpadi,
Vellore District.
- 2.Tamil Nadu State Government rep.
by its Administrative Head
The Collector of Vellore District,
Vellore.

3.The Chief Educational Officer,
Vellore District,
Vellore.

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KRISHNAN RAMASAMY, J.,
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