



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.704 of 2020

and

CMP(MD)No.4706 of 2020

WEB COPY

S.Samson(P.1 Died)

1. S.Samraj

2. G.Wilson

3. Abisha

4. Benisha

5. Melkisha

... Petitioners/Plaintiffs

(Petitioners 3 to 5 are rep by their Power
of Attorney Holder 1st Petitioner)

-Vs-

The Assistant Executive Engineer,

PWD, Kodayar basin Sub Division,

Thuckalay, Thuckalay Post,

Kalkulam Taluk, Kanyakumari District.

...Respondent/4th defendant

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code to allow the Civil Revision petition and set-aside the order in E.A.No.78 of 2018 in E.P.No.21 of 2018 in O.S.No.102 of 2004 on the file of Principal District Munsif, Padmanabhapuram dated 10.01.2020.

For Petitioners : Mr.C.Godwin

For Respondent : Mr.J.Gunaseelan Muthiah
Addl.Govt.Pleader

O R D E R

This Civil Revision Petition has been filed seeking to set-aside the order dated 10.01.2020 passed in E.A.No.78 of 2018 in E.P.No.21 of 2018 in O.S.No.102 of 2004, on the file of Principal District Munsif, Padmanabhapuram.

2. It is the specific case of the revision petitioners that the respondent has painted blue and PWD mark on the trees standing in the area for which declaration was granted and since, the respondent has denied the same, the revision petitioners sought for an appointment of Advocate Commissioner to identify the trees standing in the 7 cents of land for which declaration was granted.

3. On the other hand, the learned Additional Government Pleader appearing for the respondent, on instructions, admitted that the



authorities were entered into the petitioners' premises and marked 17 trees, but they have not taken any fruit of the trees.

4. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondent and perused the materials placed before this Court.

5. This Court is of the considered opinion that, since the learned Additional Government Pleader appearing for the respondent accepted that the authorities were entered into the petitioners' premises only to mark 17 trees and not for any other purpose and therefore, there is no necessity for appointment of advocate commissioner and verify whether the trees were marked or not. Recording the said submission of the learned Additional Government Pleader, no further order is necessary in this regard. Accordingly, this Civil Revision Petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Principal District Munsif,
Padmanabhapuram.

2.The Section Officer,(2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SPL GP (SR-3485[F] dated 05/02/2021)

+1 CC to Mr.C.GODWIN, Advocate (SR-3430[F] dated 05/02/2021)

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