



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No.746 of 2022 and
CMP(MD).No.3010 of 2022

P.Singaraj .. Petitioner

Vs.

Theni District Raja Kambalathar Aundipatti,
Malai Kovil Sangam,
Through its president
T.Navaneethakrishan .. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order, dated 10.01.2022 passed in I.A.No.5 of 2021 in O.S.No.80 of 2019, on the file of the District Munsif, Aundipatti.

For Petitioner : Mr.S. Alagarsamy
For Respondent : Mr. M.Prabu

ORDER

The revision petitioner / defendant filed this revision to set aside the order, dated 10.01.2022 passed in I.A.No.5 of 2021 in O.S.No.80 of 2019, on the file of the District Munsif, Aundipatti.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The respondent / plaintiff has filed the said suit for recovery of possession and injunction. The revision petitioner / defendant has also contended that the title of the property is in dispute. But, for recovery of possession, the measurement of the alleged encroachment can be decided only by the Advocate Commissioner. The trial Court has allowed the commission petition filed by the respondent / plaintiff and appointed the Advocate Commissioner to inspect the property with the help of Village Administrative Officer and Surveyor.

4. Now, the revision petitioner / defendant has stated that without the presence of the revision petitioner, the Commissioner inspected the property. So, the Commissioner is directed to issue notice to both parties and inspect the property and file a report. If already, the revision petitioner was present at the time of



inspection, the Commissioner need not visit again and he can file a report.

5. With this observation, this Civil Revision Petition is dismissed by confirming the order, dated 10.01.2022 passed in I.A.No.5 of 2021 in O.S.No.80 of 2019, on the file of the District Munsif, Aundipatti. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

To

The District Munsif, Aundipatti.

+1 CC to M/s.M. PRABU, Advocate (SR-17279[F] dated 07/04/2022)

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SVN(CO)

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