



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.1231 of 2021

and

C.M.P. (MD) No.7038 of 2021

WEB COPY

1.Union of India,
Rep., by Secretary to the Government,
Salt Department under
Department of Commerce and Industry,
through Deputy Salt Commissioner,
No.26, Haddows Road, Nungambakkam,
Chennai-6.

2.The Superintendent of Salt,
Salt Department,
80, George Road,
Tuticorin-628 001.

.. Petitioners/Petitioners/
Plaintiffs

-vs-

1.S.Chandresan

2.The Government of Tamil Nadu,
Rep., by the District Collector,
Thoothukudi.

.. Respondents/Respondents/
Defendants

Prayer :- Petition filed under Article 227 of the Constitution of India to call for the records in I.A.No.494 of 2017 in O.S.No.125 of 2017 on the file of the Principal District Munsif, Thoothukudi and set aside the order dated 15.04.2019 passed in it.

For Petitioners	:	Mr.P.Subbiah, Central Govt. Senior Panel Counsel
For R1	:	Mr.S.Sivathilakar
For R2	:	Mr.N.GA.Natraj, Government Advocate

ORDER

(Heard through Video Conferencing)

The petitioners have filed this Civil Revision Petition challenging the order, dated 15.04.2019, made in I.A.No.494 of 2017 in O.S.No.125 of 2017 passed by the learned Principal District Munsif, Thoothukudi, closing the application filed by the



petitioners for appointing an Advocate Commissioner to measure the suit property with the assistance of the Assistant Director of Survey and file a report with reference to the encroachments in the II Item of suit property along with a report and plan.

2.The Advocate Commissioner, who was appointed, had filed a report, dated 14.10.2017, stating that at the time of inspection, the Inspector of Survey and Firka Surveyor were present and they were not able to identify the suit property, as they were unable to identify the survey stones. The learned Principal District Munsif, Thoothukudi, therefore, closed the application.

3.When the matter had come up, this Court had sought the help of the learned Government Advocate to appear for the 2nd respondent and to state as to whether the Revenue Authorities would assist the Advocate Commissioner and he was also requested to find out the details of the officials, who would accompany the Commissioner. The learned Government Advocate has responded to the said query by stating that the Tahsildar would be the official, who would assist the Commissioner.

4.In the result, without going into the merits of the case, this Court sets aside the order of the learned Principal District Munsif, Thoothukudi, dated 15.04.2019 made in I.A.No.494 of 2021 in O.S.No.125 of 2017 and directs the Advocate Commissioner, already appointed, to execute the warrant with the help of the Tahsildar and the Surveyor. It is made clear that the Revenue Officials named above shall positively assist the Commissioner in his endeavour with the help of the revenue records and the documents standing in the name of the revision petitioners.

5.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

1.The Principal District Munsif Court,
Thoothukudi.

2.The District Collector,
Thoothukudi.

+1 CC to M/s.P.SUBBIAH, Advocate (SR-148[F]
dated 04/01/2022)

+1 CC to M/s.P.SUBBIAH, Advocate (SR-403[F]
dated 05/01/2022)

C.R.P.(PD) (MD) No.1231 of 2021
Dated: 04.01.2022

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KB(25.01.2022) 3P 5C