



CRP No.2889 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P. No.2889 of 2019
and
C.M.P.No.18778 of 2019

Tamizharasi

.....

Petitioner

Vs

1. Singaravelu Pillai

2. The Government of Tamil Nadu
Rep. by District Collector,
Thiruvarur
Having office at District Collectorate
Thiruvarur.

3. The Revenue Divisional Officer,
Thiruvarur
Having office at Thiruvarur.

4. The Tahsildar,
Nannilam,
Having office at
Taluk Office, Nannilam,
Thiruvarur District.

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decretal order dated 26.10.2018 passed in I.A.No.32 of 2014 in O.S.No.122 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Nannilam.



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For Petitioner : Mr.A.Arunbabu
For R1 : Mr.A.Muthukumar
For R2 to R4 : Mr.C.Sathish
Government Advocate

ORDER

This Civil Revision Petition has been filed as against the order and decreetal order dated 26.10.2018 passed in I.A.No.32 of 2014 in O.S.No.122 of 2011 on the file of the District Munsif-cum-Judicial Magistrate, Nannilam, thereby dismissing the petition seeking for re-issuance of Advocate Commissioner's warrant.

2. The petitioner is the fourth defendant in the suit filed by the first respondent for declaration and mandatory injunction. Pending suit, the first respondent filed an application for appointment of Advocate Commissioner in order to measure the suit property and to note down the physical features of the same with the help of surveyor. The said application was allowed and the Advocate Commissioner inspected the suit property and measured the same and filed his report. Thereafter, the petitioner filed an application for re-issuance of Advocate Commissioner's warrant for re-visiting the property with the help of surveyor and file a fresh report for the reason that the surveyor completely filed different FMB Sketch as if the petitioner encroached the property belonging to the



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first respondent herein. Further the Advocate Commissioner submitted a plan by wrongly stating the four sides. However, it was dismissed and aggrieved by the same, the petitioner preferred the present Civil Revision Petition.

3. A perusal of the Advocate Commissioner's report and plan reveals that all the four sides were wrongly mentioned.

4. Considering the above, the Advocate Commissioner is directed to re-visit the property and submit a fresh rough plan by marking the correct four sides, to the Trial Court.

5. With the above direction, this Civil Revision Petition is disposed of. The suit of the year is 2011 and as such, the Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a fresh rough plan from the Advocate Commissioner. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2023.

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.



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To
The District Munsif-cum-Judicial Magistrate,
Nannilam.

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