



C.R.P(MD).No.247of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.247 of 2023

and

C.M.P(MD).No.1169 of 2023

K.Aathi Lakshmi

... Revision Petitioner/Petitioner/Plaintiff

Vs.

1.The District Collector,
District Collector Office,
Virudhunagar.

2.The District Revenue Officer,
District Revenue Office,
Virudhunagar.

3.The Assistant Director(Land Survey),
Assistant Director Office,
Virudhunagar.

4.The Revenue Divisional Officer,
Revenue Divisional Office, Sattur.

5.The Tahsildar,
Tahsildar Office,
Vembakkottai.

... Respondents/Respondents/Defendants

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.12.2022 in I.A. No. 2 of 2022 in O.S.No. 31 of 2021 on the file of the learned District Munsif Court, Sivakasi and allow the Civil Revision Petition.



WEB COPY



C.R.P(MD).No.247of 2023

For Petitioner : Mr.N.K. Ponraj
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the fair and decretal order dated 08.12.2022 in I.A. No. 2 of 2022 in O.S. No. 31 of 2021 on the file of the Learned District Munsif Court, Sivakasi and allow the Civil Revision Petition. By the impugned order, the Court has declined to appoint an Advocate Commissioner to inspect the property and give a report.

2.I have considered the argument advanced by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.*Prima facie* it appears that the land in question in S.No.1568/42 measuring on an extent of 47.41 sq.mt has been treated as 'Government Natham Poramboke'. As per the sketch, it has been shown as 'Urani' (water body).

4.Whether the land in question is a Poramboke land or a Urani or whether it is a private land of the petitioner has to be decided on the strength



C.R.P(MD).No.247of 2023

of the records that are maintained by the respondents herein. Thereafter, question of appointment of an Advocate Commissioner can arise to give a report regarding the physical features of the land. At the moment, the petitioner has filed a suit only for a mandatory injunction. Therefore, there is no merits in challenge to the impugned order in the present Civil Revision Petition.

5.Considering the fact that the suit is only for a relief of mandatory injunction, there shall be a direction to the District Munsif Court, Sivakasi to expedite the proceedings in the above suit and dispose the same within a period of 15 months from the date of filing of written statement by the respondents. The respondents shall file their written statement within a period of 45 days from the date of receipt of a copy of this order.

6.With the above directions, this Civil Revision Petition is dismissed.
No costs. Consequently, the connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss



WEB COPY



C.R.P(MD).No.247of 2023

C.SARAVANAN,J.

dss

To

- 1.The District Munsif Court,
Sivakasi.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD).No.247 of 2023
and
C.M.P(MD).No.1169 of 2023

27.04.2023