



C.R.P.(MD)No.3026 of 2023

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DATED: 20.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3026 of 2023
and
C.M.P.(MD)No.15585 of 2023

1. S.Pitcha Kutty
2. S.Mariyappan
3. M.Murugan
4. P.Pathrakali
5. S.Mariyappan
6. M.Sivalinga Ganesh
7. K.Linga Konar

... Petitioners/
Petitioners/
Plaintiffs

(for themselves and on behalf of the representatives of
the people of Allikulam Village Yodava community of
Tuticorin District)

Vs.

1. Thoothukudi District Collector,
District Collector Office,
Korampallam,
Thoothukudi, Thoothukudi Taluk,
Thoothukudi District.



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2. Thoothukudi Tahsildar,
Thoothukudi Tahsildar Office,
Thoothukudi Taluk,
Thoothukudi District.

3. M.Lakshmanaperumal @ Kutty

4. S.Sornam

5. A.Murugaperumal

6. A.Rajendran

7. R.Suparayan @ Murugan

8. V.Sankaralingam

... Respondents/
Respondents/
Defendants

(respondents 3 to 6 for themselves and on behalf of the representatives of the people of Allikulam Village Naicker community of Tuticorin Taluk, respondents 7 and 8 for themselves and on behalf of representatives of the people of Allikulam Village Pillaimor community Tuticorin Taluk)

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 16.02.2023 passed in I.A.No.1 of 2022 in O.S.No.338 of 2017 on the file of the Additional District Munsif Court, Thoothukudi and allow this Civil Revision Petition.

For Petitioners : Mr.I.Robert Chandrakumar

For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2022 in O.S.No.338 of 2017 dated 16.02.2023 on the file of the Additional District Munsif Court, Thoothukudi, dismissing the application for appointment of Commissioner.

2. The revision petitioners/plaintiffs have filed a suit in O.S.No.338 of 2017 in a representative capacity for themselves and for Yadava Community people of Allikulam Village for permanent injunction restraining the respondents/defendants and their men from any manner interfering with the day to day poojas and Avani month festival and for conducting Kumbabishekam. Pending suit, the revision petitioners/plaintiffs have filed an application in I.A.No.1 of 2022 for appointment of Commissioner to prove the revision petitioners/plaintiffs' contentions and the physical features available in the suit property.

3. The learned counsel appearing for the revision petitioners would submit that the suit schedule property belongs to the revision petitioners/plaintiffs' community and the temple therein was constructed by the members of their community and to prove the same, appointment of



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Advocate Commissioner is necessary and that the respondents 3 to 8/defendants 3 to 8 have not specifically denied the claim of the revision petitioners/plaintiffs.

4. Since the suit is for bare injunction restraining the respondents/defendants from interfering with day to day poojas, yearly poojas and for conducting Kumbabishekam, appointing an Advocate Commissioner for visiting the suit property and noting down the physical features is absolutely not necessary. Except the above, the revision petitioners/plaintiffs have not canvassed any other reason or ground for appointment of Advocate Commissioner. Hence, the impugned order dismissing the application cannot be found fault with and this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

5. In the result, this Civil Revision Petition is dismissed.
Consequently, connected Miscellaneous Petition is closed. No costs.

20.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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To

1. The Additional District Munsif Court,
Thoothukudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.3026 of 2023
and
C.M.P.(MD)No.15585 of 2023

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