



CMP(MD). No.619 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

WEB COPY

Tuesday, the Tenth day of October Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD). No.619 of 2023

in

AS(MD).No.14 of 2023

G. Kannan

S/o.Late. Ganesa Nadar,

Door No.14-A1/1,

Kamaraja Nagar,

T.P.Mills Road,

Rajapalayam Town,

Virudhunagar District

... Petitioner/ Appellant

..Vs..

1 The Commissioner,
Rajapalayam Municipality,
Rajapalayam.

2 The Thasildar
Taluk Office,
Rajapalayam.

3 The District Collector
District Collectorate,
Virudhunagar.

4 The Revenue Divisional Officer
Revenue Divisional Office
Sivakasi.

... Respondents

Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code



CMP(MD). No.619 of 2023

for appointing an advocate/commissioner along with a surveyor to locate/identify the suit property with boundaries of the suit properties, being the subject matter in O.S. No. 8 of 2014 on the file of Principal District Court, Virudhunagar District at Srivilliputtur.

Prayer in AS(MD).No.14 of 2023 :

Appeal Suit is filed U/s.96 r/w Order 41 rule 1 and 2 of CPC to set aside the Judgment and decree passed in O.S.No.8 of 2014 on the file of Principal District Judge, Virudhunagar District at Srivilliputhur dated 28.09.2021.

Order :

This Civil Miscellaneous Petition is coming on for orders on this day upon perusing the Petition and affidavit filed in support thereof, and upon hearing the arguments of Mr.A.Sivaji, Advocate for the Petitioner, Mr.N.Muthu Vijayan, Special Government Pleader for the Respondents No.2 & 3 and Mr.N.Dilipkumar, Standing Counsel for Respondent No.1, this Court made the following order :

This petition is filed to appoint an advocate Commissioner along with a surveyor to locate/ identify the suit property with boundaries of the the suit properties, the subject matter



CMP(MD). No.619 of 2023

in O.S.No.8 of 2014 on the file of Principal District Court, Virudhunagar District at Srivilliputhur, to submit a report.

WEB COPY

2. Heard both sides.

3. The Special Government Pleader appearing for the respondents 2 and 3 made strong objections regarding the appointment of an Advocate Commissioner. Though the Special Government Pleader stated that he has received the paper only today, this Court is bound to record the denial. The said submission is recorded.

4. This Case has been posted four times before the previous portfolio Judges and despite the same Counter was not filed.

5. Therefore, this Court hereby appoint M/s. K.Siva Tharsana ((M.S.No.3110/2019), Chamber No. 158, Madurai Bench of Madras High Court, Madurai, Phone No.98944 24799) as Advocate Commissioner.

6. The petitioner is directed to pay the sum of Rs.20,000 (Rupees Twenty Thousand only) to the Advocate Commissioner and the Advocate Commissioner is directed to inspect the suit property and submit a report and before this Court on 16.11.2023.



CMP(MD). No.619 of 2023

WEB COPY

7. Post this case on 16.11.2023.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

Sml

To

- 1 The Commissioner,
Rajapalayam Municipality,
Rajapalayam.
- 2 The Thasildar
Taluk Office,
Rajapalayam.
- 3 The District Collector
District Collectorate,
Virudhunagar.
- 4 The Revenue Divisional Officer
Revenue Divisional Office
Sivakasi.
5. MS. K.SIVA THARSANA
(M.S.NO.3110/2019)
CHAMBER NO. 158,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI,
PHONE NO.98944 24799)



WEB COPY



CMP(MD). No.619 of 2023

ORDER DATED : 10/10/2023

HEARING DATE : 16/11/2023

=====

ORDER

=====

CMP(MD). No.619 of 2023

in

AS(MD).No.14 of 2023

Giving direction and etc.
as stated within.

RD(20/10/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.