



C.R.P(MD)No.2589 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2589 of 2022
and
C.M.P(MD)No.12703 of 2022

V.Rajamicheal

... Petitioner/Petitioner/
Plaintiff

Vs.

1.P.Selvaraj

2.S.Cruz Alexander

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 01-11-2022 in I.A.No.2 of 2022 on the file of the Subordinate Court, Valliyoore in O.S.No. 172 of 2015 on the file of the Subordinate Court, Valliyoore and allow the present civil revision petition.

For Petitioner : Mr.R.J.Karthick

For R1 : No Appearance

For R2 : Mr.J.Barathan



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ORDER

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The present revision petition has been filed by the plaintiff in a suit for declaration of title and permanent injunction.

2. According to the learned counsel for the plaintiff, the plaintiff claims title to the property on the basis of various documents annexed to the plaint and he further contends that the defendants claims title only on the basis of the patta granted by the revenue authorities on the basis of a report of Village Administrative Officer and Tahsildar. Therefore, the plaintiff has filed I.A.No.2 of 2002 to call for the report of the Village Administrative Officer and the Tahsildar so as to mark them as document on his side and to examine the said Village Administrative Officer and Tahsildar. However, the said application has been dismissed by the trial Judge. Challenging the said order, the present revision petition has been filed.

3. The learned counsel appearing for the petitioner has contended that unless the report of the Village Administrative Officer and Tahsildar as summon and they are examined, he will not be in a position to discredit the evidences produced on the side of the defendants. However,



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the learned counsel appearing for the respondents/defendants had contended that they claim title not only on the basis of the revenue records but on other documents also.

4. I have carefully considered the submissions made on either side.

5. In a suit for declaration of title and permanent injunction, the Court has to adjudicate the issue based upon the oral and documentary evidence let in by both the parties. The revenue records or the report of the Village Administrative Officer or the Tahsildar are the revenue records, could only be a supporting documents and they cannot be the basis on which title of the property can be decided. In such view of the matter, I don't find any illegality or infirmity in the order passed by the trial Court.

6. This Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

16.02.2023

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

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To

- 1.The Subordinate Court,
Valliyoor.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.2589 of 2022

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