



C.R.P.(MD)No.3201 of 2023

WEB COPY

DATED: 08.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3201 of 2023
and
C.M.P.(MD)No.16503 of 2023

Arunachala Chozhagar
represented by his Power Agent

... Petitioner/
Petitioner/
Plaintiff

Vs.

1. Sivasubramaniyan
2. Kalarani
3. The Government of Tamilnadu,
represented by the District Collector,
Tirunelveli.
4. The Sivanadanoor Panchayath,
represented by Panchayath President,
Sivanadanoor.

... Respondents/
Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decretal order dated 05.09.2023 made in I.A.No.7 of 2023 in O.S.No.



C.R.P.(MD)No.3201 of 2023

285 of 2015 on the file of Principal District Munsif, Tenkasi and set aside the same by allowing this Civil Revision Petition as prayed for.

For Petitioner : Mr.S.Vishnuvardhan
For R3 & R4 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.7 of 2023 in O.S.No.285 of 2015 dated 05.09.2023, on the file of the Principal District Munsif Court, Tenkasi, dismissing the application for re-issuance of commission.

2. It is seen from the records that the revision petitioner/plaintiff has filed the suit in O.S.No.285 of 2015 to declare that the second schedule of the suit property is belonging to him and for permanent injunction restraining the respondents/defendants and their men in any way from interfering with the revision petitioner/plaintiff's peaceful possession and enjoyment of the suit property.

3. The revision petitioner/plaintiff has also filed an application for appointment of Advocate Commissioner and an Advocate Commissioner was appointed and the Advocate Commissioner, after visiting the property,



C.R.P.(MD)No.3201 of 2023

has filed a report even in the year 2015 itself. When the case is pending for cross-examination of D.W.1, the above application in I.A.No.7 of 2023 came to be filed for re-issuance of commission.

4. The main contention of the revision petitioner/plaintiff is that the Advocate Commissioner, without measuring the property in Survey No. 524/30C, has filed his report and that therefore, the said property has to be measured.

5. The learned trial Judge, after taking note of the Advocate Commissioner's report and plan, by specifically observing that the Advocate Commissioner has mentioned that the property in Survey No. 524/30C has been shown in his rough plan and as per the requisition made by the revision petitioner/plaintiff's counsel, the property was measured and also he has given measurement and that the above application has been filed only to drag on the proceedings, dismissed the application.

6. Considering the above facts and circumstances and also the fact that the Advocate Commissioner has filed his report as earlier as in 2015



C.R.P.(MD)No.3201 of 2023

and the Advocate Commissioner, who was appointed earlier, has measured the property now sought for by the revision petitioner/plaintiff, the impugned order dismissing the application cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

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

08.12.2023

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

To

1. The Principal District Munsif Court,
Tenkasi.
2. The District Collector,
The Government of Tamilnadu,
Tirunelveli.
3. The Panchayath President,
Sivanadanoor Panchayath,
Sivanadanoor.



C.R.P.(MD)No.3201 of 2023

4. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.3201 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.3201 of 2023
and
C.M.P.(MD)No.16503 of 2023

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