



C.R.P.No.1798 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1798 of 2021 and
C.M.P.No.13984 of 2021

A.Arunachalam

... Petitioner

Vs.

1.Palani

2.Thukkan

3.Mari

4.Nasi

5.Semi

6.Malarkodi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the decretal order and fair order dated 09.04.2021 in I.A.No.1 of 2021 in O.S.No.97 of 2016 on the file of Principal District Munsif, Tirupattur, Vellore District.

For Petitioner : M/s.G.K.Sekar

For Respondent 1 to 6 : Mr.Prakash Adiapadam
for M/s.R.Thanigachalam

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/plaintiff seeking



appointment of an Advocate Commissioner to measure the property in Survey No.31 measuring an extent of 2.73 acres and to note down the physical features.

2. The petitioner herein filed a suit for declaration of title and injunction against the respondents in respect of 400 sq feet vacant housing site with the measurement of 20 feet x 20 feet.

3. It is the case of the petitioner that suit property along with larger extent of land originally belonged to Aattukkaran Thukkan, father of the respondents 1 to 3 and husband of 4th respondent. According to the petitioner, he gifted the said property in favour of Panchayat Union by gift deed dated 05.07.1988 and the Panchayat plotted out the said land and allotted plots to various houseless persons. It was claimed by the petitioner that the present suit property was allotted to the petitioner by the panchayat in recognition of his service rendered for construction of Palaniyammal Koil, Melur.



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4. Therefore, the petitioner has to prove the gift of larger extent of property including the suit property by father of the respondents and the allotment of the present suit property by the panchayat to the petitioner by leading oral and documentary evidence.

5. As far as physical features are concerned, as per the description of the property found in the plaint, the suit property is a vacant housing plot with an extent of 400 Sq.feet. It is not the case of the petitioner that there are construction in the suit property. In such circumstances, there is no necessity to find out physical features of the property to adjudicate the title and possession of the petitioner. The Trial Court rightly came to the conclusion that appointment of Advocate Commissioner was not necessary and dismissed the application. I do not find any illegality or irregularity in the order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the Connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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The learned Principal District Munsif, Tirupattur,
Vellore District.



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S.SOUNTHAR , J.

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