



C.R.P.No.3515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02..09..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition No.3515 of 2024

and

C.M.P.No.19064 of 2024

Sokkalingam

..... Petitioner

-Versus-

1.Molaki

2.Mariyappan

3.Kaliyappan

4.Malaravan

5.The Tahsildar

Tahsildar Office,
Uthangarai Twon and Taluk,
Krishnagiri District.

6.The District Revenue Divisional Officer,
RDO Office, Krishnagiri.

7.The District Collector,
District Collectorate,
Krishnagiri.

..... Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 03.06.2024 made by the learned District Munsif, Uthangarai, Krishnagiri District, in I.A.No.5 of 2024 in O.S.No.73 of 2015 and to allow the interlocutory application as prayed for.



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For Petitioner : Mr.J.Pradeep

*For Respondents : Mr.C.Sathish,
Government Advocate for RR 5
to 7*

ORDER

This civil revision petition arises against an order dated 03.06.2024 made by the learned District Munsif, Uthangarai, Krishnagiri District, in I.A.No.5 of 2024 in O.S.No.73 of 2015.

2. The suit in O.S.No.73 of 2015 is filed for a declaration that the plaintiff has crystallized his right to the suit schedule mentioned property by adverse possession.

3. The defendants 1 to 4 on entering appearance have denied the plaintiff's right and claimed that they are in possession of the suit schedule mentioned property.

4. The plaintiff, in order to substantiate his plea of adverse possession, took out an application in I.A.No.5 of 2024. This application was for the appointment of an Advocate Commissioner to inspect and note down the physical features of the suit schedule mentioned property and trees and submit



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a report with a sketch and videograph.

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5. After receipt of the counter from defendants 1 to 4, the learned Judge went on to dismiss the application. Hence, the revision.

6. Heard Mr.J.Pradeep for the civil revision petitioner and Mr.C.Sathish, Government Advocate, appearing for the respondents 5 to 7.

7. Mr.J.Pradeep for the civil revision petitioner would submit that in order to succeed a plea of adverse possession, it is the duty of the plaintiff to show that he has been in open, hostile, and continuous possession of the suit property for over a statutory period. This is more so in this particular case, because the defendants 1 to 4 have filed a written statement denying that the plaintiff is in possession of the land in S.No.10/2, which is the suit schedule mentioned property.

8. If an Advocate Commissioner is appointed, then, indirectly he will be submitting a report with respect to the factum of possession. Appointment of an Advocate Commissioner for the said purpose is without jurisdiction. If the plaintiff is in adverse possession of the property, it is his duty to substantiate the same by way of oral and documentary evidence. Therefore, the reasons given by the learned trial Judge in paragraph 10 of the order are perfectly justified, and the same does not require any interference at the hands of this



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In the result, the civil revision petition is dismissed. No costs.

Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

1.The District Munsif, Uthangarai, Krishnagiri District,



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V.LAKSHMINARAYANAN.J.,

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