



C.R.P.(PD)No.4576 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4576 of 2024

and

CMP.No.25460 of 2024

V.Mayilsamy

.. Petitioner

Vs

1. The District Collector,
The District Collector Office,
Tiruppur District.

2. The Tahsildhar,
The Tahsildhar Office,
Udumalpet Taluk,
Tiruppur District.

3. The Executive Engineer,
Thirumoorthy Kottam,
Parambikulam Aliyar,
Pasanathittam,
Udumalpet Taluk,
Tiruppur District.

4. Amirthavalli

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and Decretal Order dated



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20.02.2024 made in I.A.No.480 of 2023 in O.S.No.155 of 2022 on the file of the District Munsif, Udumalpet, Tiruppur District and to allow the Civil Revision Petition.

For Petitioner : Mr.R.Rajadurai
For Respondents : Mr.T.Arunkumar (R1 to R3)
Additional Government Pleader

ORDER

This civil revision petition challenges the order of the learned District Munsif Cum, Udumalpet in I.A.No.480/2023 in O.S.No.155/2022 dated 20.02.2024.

2. A perusal of affidavit and petition filed in support of I.A.No.480 of 2023 shows that the Petitioner has not described the sub divisions in the property as well as the PAP canal which runs in Survey Number.110/2 of the suit village. Unless and until the application is specific regarding the nature of survey sought for, an Advocate Commissioner will find it difficult to survey the property and submit a report.



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3. At this stage, Mr.Rajadurai, submitted that he may be permitted to withdraw I.A.No.480 of 2023 with liberty to file a fresh application giving the correct details of, not only property occupied by the Plaintiff, but also the extent of PAP canal in S.No.110/2 and the extent of the 4th Respondent's property. Since the Petitioner has been non-suited on the ground that description of the property is not proper, I am inclined to grant liberty as prayed for.

4. Accordingly Mr.R.Rajadurai, has made endorsement seeking to withdraw I.A.No.480 of 2023 in O.S.No.155 of 2022.

5. Recording the endorsement made by the learned counsel for the Petitioner, I.A.No. 480 of 2023 is dismissed as withdrawn with liberty to the Petitioner to file fresh Interlocutory Application for appointment of an Advocate Commissioner giving correct details in the schedule of the petition.



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V. LAKSHMINARAYANAN,J.

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6. Since I.A.No.No.480 of 2023 in O.S.No.155 of 2022 is dismissed as withdrawn, this civil revision petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

18.11.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

arr

To

The District Munsif, Udumalpet.

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