



WEB COPY



C.R.P. (PD) .No.4549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4549 of 2024
and C.M.P.No.25343 of 2024

1.Ramachandran

2.Kodiarasan

Rep by their Power Agent, N.Samidurai.

.. Petitioners

Vs.

1.Arul Pandiyan

2.Ramesh

3.Palanisamy

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 28.08.2024 made in I.A.No.4 of 2023 in O.S.No.158 of 2023 on the file of the Additional District Munsif Court at Jayamkondam, Ariyalur District.

For Petitioners : Mr.K.P.P.Raja Raja Chozhan

ORDER

This civil revision petition arises against the order passed by the Additional District Munsif at Jayamkondam, Ariyalur District, in I.A.No.4 of



2023 in O.S.No.158 of 2023, dated 28.08.2024.

WEB COPY

2.The civil revision petitioners are the plaintiffs in the suit. They presented O.S.No.158 of 2023 seeking for the relief of permanent injunction restraining the defendants, their men, agents, subordinates from trespassing into the suit schedule mentioned property. According to the plaintiffs, they are in possession of the property in Survey No.360/20 of Thirukalappur Village, Andimadam Block, Ariyalur District.

3.This possession was disputed by the defendants by filing a written statement stating that they are in possession of the said property. They also pleaded that they have taken steps to change the patta and mutate other revenue records of the suit property.

4.On account of the stand taken by the defendants in the written statement, the plaintiffs took out an application for appointment of an Advocate Commissioner in I.A.No.4 of 2023, to visit the suit schedule mentioned property to correlate the House Tax Receipts, Electricity Bills that have been filed along with the plaint with the survey number as it exists for



the property and also to note down the items such as straw storage area, garbage area and for dimension of the property. This application was resisted by the defendants stating an Advocate Commissioner cannot be appointed to find out as to who is in possession of the property.

5.The learned District Munsif agreed with the defendants and dismissed the said application. Hence this revision.

6.I heard Mr.K.P.P.Raja Raja Chozhan for the civil revision petitioners.

7.Mr.K.P.P.Raja Raja Chozhan argues that if an Advocate Commissioner were to be appointed to visit the suit property and correlate the Electricity Bill and House Tax Receipts along with the Survey Number in which the property exist, then it will reduce the work of the Court at the time of final disposal. He argues the point in issue is the possession of the plaintiffs and if the Commissioner were to submit a report, this issue can easily be illustrated and illuminated.



WEB COPY

8.I have considered the submissions of Mr.K.P.P.Raja Raja Chozhan.

9.It is too well settled and I am not willing to unsettle the position that an Advocate Commissioner cannot be appointed to report as to who is in possession of the suit property. That is exclusively within the jurisdiction of the Court. Therefore, no exception can be taken to the order of the Additional District Munsif at Jayamkondam, Ariyalur District, in dismissing the said petition.

10.If the grievance of the plaintiffs is that, they want to correlate the Electricity and House Tax bills with the Survey Number, it is always open to them to summon the appropriate authorities from TANGEDCO, which has provided the Electricity as well as the authorities from Thirukalappur Panchayat to correlate the House Tax receipts with the Door Number.

11.I am sure if an application is filed for summoning these two witnesses, the learned District Munsif will consider the same.

12.With the above observations, this Civil Revision Petition is



C.R.P. (PD) .No.4549 of 2024

dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.11.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Additional District Munsif,
Jayamkondam, Ariyalur District.

V.LAKSHMINARAYANAN, J.



WEB COPY



C.R.P. (PD) .No.4549 of 2024

krk

C.R.P.(PD).No.4549 of 2024

15.11.2024