



CRP(MD).No. 293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).No.293 of 2024 and
CMP(MD).No.1337 of 2024

1.Samayamuthu
2.Karuppasamy

... Petitioners

Vs.

1.State of Tamil Nadu
Rep. by the District Collector,
Sivagangai District,
Sivagangai.

2.The District Backward Class Welfare officer,
District Backward Class Cum Most Backward Class
Welfare Department,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,
Thiruppuvnam Sub-Registration Office,
Thiruppuvaram Taluk,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 227 of the Constitution of India against the order and Decree dated 04.01.2024 made in I.A.No.8 of 2023 in O.S.No.4 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai District.



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For Petitioners : Mr.G.Gomathi Sankar

For respondent : Mr.J.Ashok

Additional Government Pleader

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order, Decree dated 04.01.2024 made in I.A.No.8 of 2023 in O.S.No.4 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai District.

2. The suit in O.S.No.4 of 2020 filed by the revision petitioners / plaintiffs seeking the relief of declaration and injunction. During the trial process, the application was taken out by the petitioners to appoint an Advocate Commissioner to note down the physical features to verify whether any Karuvelam Trees are standing in the disputed property or not, that came to be dismissed by the trial Court stating that there is no necessity arise to appoint an Advocate Commissioner since the availability of karuvelam trees could not be brought on record by oral and documentary evidence. Aggrieved over the same, the present Civil Revision Petition is preferred.



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3. The learned Additional Government Pleader appearing for the respondents would submit that now, the patta is issued in favour of more than 40 persons in that village and the suit property lies vacant. Karuvelam trees are standing in that place.

4. Since the learned Additional Government Pleader has admitted that Karuvelam Trees are standing in the suit property of the petitioners, there is no necessity for appointment of Advocate Commissioner. Hence, I do not find any reason to interfere with the order passed by the trial Court.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

13.03.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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The District Munsif Cum Judicial Magistrate, Thiruppuvanam, Sivagangai
District.



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G.ILANGOVA,J.

Trp

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