



C.R.P.(MD)No.2303 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2303 of 2023
and C.M.P.(MD).No.11869 of 2023

1.M.P.Murugesan

2.M.Vijayalakshmi

... Petitioners/Petitioners/

Defendants 1 & 2

Vs.

1.T.R.Ramakrishnan

... 1st Respondent/1st Respondent/
Plaintiff.

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating with the Executable Order and Fair Order, dated 02.08.2023, in I.A.No.09 of 2023 in O.S.No. 134 of 2011, on the file of the Sub Judge, Theni and set aside the same.

For Petitioners : Mr.R.Suriyanarayanan

For Respondents : Mr.N.Dilipkumar for R1

R2 to R5 – Given Up.



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ORDER

This civil revision petition has been filed to set aside the Executable Order and Fair Order, dated 02.08.2023, in I.A.No.09 of 2023 in O.S.No.134 of 2011, on the file of the Sub Judge, Theni.

2.Suit is of the year 2011 and the trial commenced. After examination of witnesses are over, a petition was taken out by the petitioner herein to summon the Tahsildar, along with the proceedings, dated 28.08.2015 in Na.Ka.No.10916/2012/A3, to show that already sub division was made in the year 2012 itself. He was also put in possession and put up construction. He want to establish the fact.

3.Per contra, the learned counsel for the first respondent would submit that the above said document can be obtained by way of Certified copy and apart from that he also submitted that to drag on the proceedings only, after the examination of witnesses are over, the present petition is filed. Further objection is that with regard to the summon of E.B officials and the Panchayat Officials for the purpose of proving



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payment of taxes and other things, they are not at all necessary. That can be proved by the petitioner by way producing the documents available in their custody.

4.The certified copy of the proceedings mentioned in the petition may not be granted. Only certified copy of the final order will be granted by the Revenue Authorities. Since it has been stated by the petitioner that based upon the Sub division only now he claims possession over the property, I am of the considered view that the date of subdivision as well as the proceedings may be necessary for deciding the issue. On that score, request made by the revision petitioner to summon the concerned Tahsildar to produce the proceedings dated 28.08.2015 can be allowed. In respect of the summoning of the Panchayat Officials and EB officials concerned it is not required. Those documents are the public documents, which can be accepted through the parties. That portion of the order requires no interference.

5.In view of the above, there shall be a direction to the trial Court to summon the Tahsildar concerned, proceed and shall complete the trial



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process.

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6.Accordingly, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Subordinate Judge, Theni.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

TM

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