



C.R.P(MD)No.2671 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.2671 of 2023
and C.M.P(MD)No.13929 of 2023

Bharathalwar

...Petitioner/Appellant/Petitioner/Plaintiff

Vs.

1.Venkidasamy

S/o Rengamannar

1/146/2nd Street,Subramaniyapuram Village,

Thayalpatti Village,Sivakasi Taluk,

Virudhunagar District

Represented by his authorised power agent

Pandurangan

(Cause title in respect of R1 is amended vide court order dated 20.02.2024 made in CMP(MD)No.2276 of 2024 in CRP(MD)No.2671 of 2023 by GIJ)

2.The Block Development Officer,

Vembakottai Panchayat,

Virudhunagar District.

3.The Tahsildar,

Sivakasi Taluk,

Virudhunagar District.

4.The District Collector,

Virudhunagar, Virudhunagar District

...Respondents/Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 21.08.2023 passed in C.M.A.No.03 of 2022 on the file of the Sub Court, Sivakasi confirming the order passed in I.A.No.03 of 2021 in O.S.No. 163 of 2021 on the file of the District Munsif Court, Sivakasi.



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For Petitioner : Mr.T.Lenin Kumar
For R1 : R.Pandurangan
Party-in-persn
For R2 to R4 : Mr.J.Ashok
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 21.08.2023 passed in C.M.A.No.03 of 2022 on the file of the Sub Court, Sivakasi confirming the order passed in I.A.No.03 of 2021 in O.S.No.163 of 2021 on the file of the District Munsif Court, Sivakasi.

2. Even though the revision has been preferred against the order of the trial court as well as the Appellate Court, the only point that whether the disputed portion is encroached by the revision petitioner or not has to be decided. A survey was taken out by the Government and it is found that there is an encroachment. Challenging the above said survey, dispute is raised by the revision petitioner before the trial court.

3. Considering the said circumstances, this Court is of the view that appointment of an Advocate Commissioner is proper to find out



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as to whether there is an encroachment or not.

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4. The trial court is directed to appoint an Advocate Commissioner to take out survey with the help of the Surveyor with reference to the documents of the revision petitioner as well as the documents of the Government.

5. The above said exercise shall be completed by the trial court within a period of three months. After filing of the Commissioner's report, the trial shall be expedited and the suit shall be disposed of at the earliest.

6. With the above directions, this Civil Revision Petition is disposed of. No costs.

19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To

1. The Sub Court, Sivakasi

2. The District Munsif Court, Sivakasi

3. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

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G. ILANGO VAN, J.

CM

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