



C.R.P.(MD)No.2589 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2589 of 2024
and
C.M.P.(MD)No.14962 of 2024

Sesuraj

... Petitioner / Petitioner / Plaintiff

Vs.

Arockiasamy (died)

1.The Sub Registrar,
Sub Registrar Office,
Sivagangai Park,
Thanjavur Town,
Thanjavur District.

2.The District Collector,
District Collector Office,
Thanjavur Town,
Thanjavur District.

3.The Tahsildar,
Taluk Office,
Thanjavur Town,
Thanjavur District.

4.Amala @ Amolarbavamary

... Respondents / Respondents / Defendants



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.77 of 2024 in O.S.No.159 of 2015 on the file of the Principal District Munsif Judge, Thanjavur by allowing the present civil revision petition.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.K.Balasubramani

Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel for the revision petitioner.

2. The revision petitioner is the plaintiff in O.S.No.159 of 2015 on the file of the Principal District Munsif Court, Thanjavur. The petitioner filed I.A.No.77 of 2024 for appointment of advocate commissioner. It was dismissed vide order dated 28.08.2024. Challenging the same, the civil revision petition came to be filed.

3. The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of the revision petition. He called upon this Court to set aside the impugned order as prayed for.

4. I am not swayed by the said submission. The prayer in the suit is for declaration of the cancellation deed dated 05.02.2015 as null and void and for consequential permanent injunction to restrain D1 to D5 from interfering with the plaintiff's possession and enjoyment of the property. Few other reliefs have



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been sought against the revenue officials also. There is no dispute regarding the identity of the property. The petitioner's case appears to be that he was in possession of the suit property when he instituted the suit and that he had subsequently been dispossessed by the contesting defendants. If that be so, the petitioner may have even amended the plaint. The question of appointing an advocate commissioner in such cases does not arise at all. The petitioner's counsel would contend that the petitioner's two wheeler and other articles are still inside the house and to identify the same, an advocate commissioner deserves to be appointed. It is well settled that an advocate commissioner cannot be appointed for gathering evidence. The court below has rightly observed that the very filing of IA is unnecessary. Sound reasons have been given for dismissing IA. Interference with the said order is not warranted.

5. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi



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G.R.SWAMINATHAN, J.

rmi

To:

- 1.The Principal District Munsif Judge, Thanjavur.
- 2.The Sub Registrar,
Sub Registrar Office,
Sivagangai Park,
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Thanjavur District.
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