



C.R.P(MD)No.25 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.25 of 2024
and
C.M.P(MD)No.202 of 2024

K.Pitchaiapillai
Represented through his
Power Agent P.Sankar

... Petitioner /
Petitioner /
Plaintiff

Vs.

1.Balasubramanian
2.Ganesan
3.Pandi Nayakkar
4.Selvakumar
5.Murugan
6.Vishwanathan

7.Shrilasri Shanmuga Desiga Gnanasambantha
Paramachariya Swamigal Atheena Karthar,
Dharumapuram,
Near Membalam,
Vannarapettai,
Tirunelveli District.



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8.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.

9.The District Collector,
District Collector Office,
Tenkasi District.

... Respondents /
Respondents /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records relating to the fair and decreetal order dated 30.08.2023 in I.A.No.7 of 2023 in O.S.No.170 of 2020 passed by the learned Additional District Munsif Court, Ambasamudram and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.N.Vignesh
for R.1 to R.6

Mr.K.Balasubramani
Special Government Pleader
for R.8 & R.9

No Appearance for R.7

ORDER

Heard both sides.



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2.The petitioner filed O.S.No.170 of 2020 on the file of Additional District Munsif Court, Ambasamudram. It is a suit for declaration and permanent injunction and for mandatory injunction.

3.According to the petitioner, the suit schedule house is comprised in Survey No.1351/8, Alwarkurichi Village, the suit schedule land is a natham land and that he has put up a house thereon.

4.The petitioner is admittedly enjoying EB service connection. The contesting respondents in their written statement have categorically asserted that the suit property is comprised in Survey No.1351/9 and not in Survey No.1351/8. There is a dispute regarding the lie and location of the property.

5.The learned counsel for the petitioner would contend that the earlier records have been subsequently changed and altered. It is for this reason, he seeks measurement as per the UDR record.

6.The Court below has failed to take note of the fact that there is a dispute between the parties regarding the lie and location of the suit



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property. Therefore, securing a report from an Advocate Commissioner would definitely help to elucidate matters and aid in the process of adjudication. In this view of the matter, the impugned order is set aside.

7.This Civil Revision Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Additional District Munsif Court,
Ambasamudram.
- 2.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.
- 3.The District Collector,
District Collector Office,
Tenkasi District.



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G.R.SWAMINATHAN, J.

MGA

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