



CRP(PD).No.608 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.608 of 2025

and

C.M.P.No.3440 of 2025

M.Thangarajan

... Petitioner

Vs.

1.M.Balakrishnan

2.P.Appasamy

3.Sampoornam

K.Eswaran (Died)

4.E.Gunasekaran

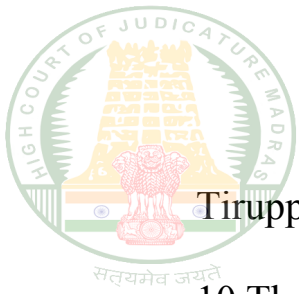
5.E.Senthil Kumar

6.M.Dharmalingam

7.M.Wabar Raj

8.State of Tamilnadu,
Rep. by
the District Collector,
Tiruppur

9.The Revenue Divisional Officer,



Tiruppur

10. The Tahsildar
Palladam.

11. The Village Administrative Officer,
Palladam,

12. E. Suganthamani

... Respondents

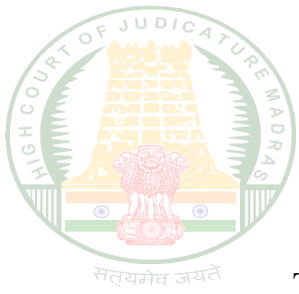
Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the above CRP by setting aside the above Fair and Decreetal order dated 12.11.2024 passed in IA.No.353/2020 in OS.No.99/2020 on the file of the Sub Court, Palladam.

For Petitioner : M/s.K.Govi Ganesan

For Respondent : M/s.L.Mouli for R.1 to R.3

: M/s.N.Muthuvel, Govt Advocate
for R.8 to R.11

: R.4 to 7 and 12 - served -
No appearance.



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ORDER

The petitioner seeks to challenge the order passed by the Sub Judge, Palladam, in refusing to appoint an Advocate Commissioner to note down the physical features of item Nos.I and II of the suit properties with the assistance of a Taluk Surveyor.

2. The learned counsel for the petitioner/plaintiff would submit that the reason for appointing an Advocate Commissioner is on account of the fact that the property comprised in S.No.130/6, 7 & 8 of Palladam Village had been wrongly sub divided and the petitioner/plaintiff has filed the suit to declare the sub division as null and void and to direct the defendants 9 to 12 to correct the sub division as per the title deeds in respect of item II of the suit property.

3. Heard the counsel on either side and perused the records.

4. The prayer that is sought for requires that the properties be measured in terms of the title deeds so as to enable the petitioner/plaintiff to clarify to the Court the fact that the said survey numbers have been wrongly sub divided. However, the learned Sub



Judge, Palladam while considering the said application in IA.No.353

of 2020 in OS.No.99 of 2020 had rejected the request of the

petitioner/plaintiff to appoint an Advocate Commissioner on the

ground that the suit is over four years old and the issues have been

framed with respect of the reliefs claimed. Therefore, to decide the

right, title or interest an Advocate Commissioner is not required.

However, the learned Judge has failed to consider the reliefs (c) and

(d) claimed in the suit [i.e.; (c) *Declaring that the alleged sub*

divisions created as S.F.Nos. 130/6, 130/7 and 130/8 of Palladam

Village, Palladam Taluk are null and void and not binding upon the

plaintiff; (d) Directing the defendants 9 to 12 to effect correct sub-

divisions in favor of the plaintiff as per his title deeds in respect of

Item II of suit properties described in the schedule below:]. The

petitioner/plaintiff in his plaint has set out in detail as to how these

sub divisions are contrary to the description of the properties in title

deeds have resulted in the defendants, who having no rights to the suit

property are trespassing into the suit property.

5. Therefore, in the above circumstances, this Court is of the



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view that the order passed by the learned Sub Judge, Palladam is erroneous and is liable to be set aside. Accordingly, the Civil Revision Petition stands allowed and the order passed in IA.No.353 of 2020 in OS.No.99 of 2020 by the learned Sub Judge, Palladam is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

15.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Court, Palladam.



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P.T. ASHA. J.,

(shr)

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