



WEB COPY

CRP No. 2032 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 2032 of 2025

and

CMP No. 11802 of 2025

Neethimannan

Petitioner(s)

Vs

1. The Commissioner
Office of the Municipality
Commissioner, Thittagudi and
Thittagudi Taluk.

2.The Government of Tamil nadu
Rep. by the District Collector,
Cuddalore District, Cuddalore.

3.The Tahsildar
Office of the Tahsildar, Thittagudi and
Thittagudi Taluk.

4.The Village Administrative Officer
Vasistapuram, Thittagudi Taluk.

Respondent(s)

PRAYER

This Civil Revision Petition has been filed under Article 226 of the Constitution



of India seeking to set aside the Fair and Decretal Order dated 29.01.2025 made in IA No.91 of 2024 in OS No.39 of 2023 on the file of the Subordinate Court, Thittagudi by allowing this Civil Revision petition.

For Petitioner(s): Mr.C.Munusamy

For Respondent(s): Mr.D.Gopal, Government
Advocate

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 29.01.2025 made in I.A.No.91 of 2024 in O.S.No.39 of 2023 on the file of the Subordinate Court, Thittagudi.

2. Heard Mr.Munusamy learned counsel for the petitioner and Mr.Gopal learned counsel for the respondents.

3. The petitioner is the plaintiff in O.S.No.39 of 2023. The petitioner filed I.A.No.91 of 2024 in O.S.No.39 of 2023 seeking a revisit by the Advocate Commissioner who had already inspected the property on the ground that the Advocate Commissioner was unable to properly measure the property and the



measurement must necessarily be done with the assistance of the competent surveyor. The said application was opposed by the respondents and the Trial court has proceeded to dismiss the application holding that the Advocate Commissioner had already filed a report stating that there was no survey stones on the western side of the property. Therefore, he was unable to measure the same. It is only because of the inability of the Advocate Commissioner to conduct proper survey, the petitioner has sought for resurvey by the same Advocate Commissioner to conduct a proper survey. The Trial Court, instead of dismissing the said application, ought to have entertained it by directing the Advocate Commissioner to take assistance of the Taluk surveyor to identify the western boundary and file a clear report.

4. In the light of the above, I am inclined to set aside the order of the Trial Court made in I.A.No.91 of 2024 in O.S.No.39 of 2023 and consequently, the Civil Revision Petition is allowed and the Trial Court shall direct the Advocate Commissioner who has already inspected the property to revisit and survey the same with the assistance of the local Taluk surveyor, in the presence of the



parties and file a detailed report. There will be no order as to costs.

Consequently, connected civil miscellaneous petition is closed.

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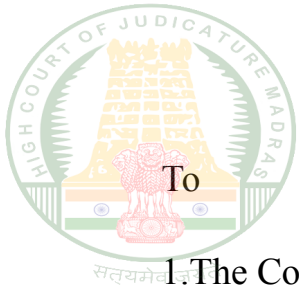
RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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5. Subordinate Court, Thittagudi



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P.B.BALAJI J.

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