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CRP.No.5157 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5157 of 2025 and
CMP.No.26002 of 2025

Chandiramohan

... Petitioner

Vs.

1. Jothilingam

2.The District Collector
Cuddalore District.

3.The Tahsildar
Kurinjpadi Taluk, Cuddalore District.

4.The Sub Registrar
Vadalur, Kurinjpadi Taluk, Cuddalore District.

5.The Village Administrative Officer
Parvathipuram, Kurinjpadi Taluk, Cuddalore District.

6. The Land Surveyor
Parvathipuram, Kurinjpadi Taluk,
Cuddalore District.

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India,
praying, to set aside impugned fair and decreetal order dated 22.09.2025

1/5



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made in IA No. 120 of 2024 in OS No. 42 of 2024 passed by the Learned District Munsif-Cum-Judicial Magistrate, Kurinjipadi by allowing the CRP.

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For Petitioner : Mr.G.Balamanikandan
For Respondents 2 to 6 : Mr.N.Muthuvel
Government Advocate (CS)

ORDER

The civil revision petition is filed challenging the order passed by the Court below allowing the application filed by the 1st respondent/plaintiff for appointment of Advocate Commissioner to inspect the property, measure it and note down the physical features.

2. The 1st respondent herein filed a suit for declaration and permanent injunction against the petitioner and other respondents. He also sought for a mandatory injunction against the petitioner and other respondents. In the plaint, it was stated by the 1st respondent that suit “B” schedule property was used as an access to suit “A” schedule property and he had no other access to suit “A” schedule property.

3. The defendants 1 to 5 filed a written statement stating that 1st



respondent/plaintiff had alternate pathway to reach his properties.

4. In view of the same, the 1st respondent/plaintiff filed an application seeking appointment of Advocate Commissioner for local inspection and noting down the physical features. The said application was allowed by the Trial Court. Aggrieved by the same, the petitioner/6th defendant has filed the present revision petition.

5. The learned counsel for the petitioner submitted that the plaintiff claimed that the suit property was a “poramboke” property and the said claim has to be proved by leading evidence and the present application has been filed for the purpose of collection of evidence. Hence, the Trial Court ought not have allowed the same.

6. As mentioned earlier, a reading of the pleadings of the parties would establish that there is a dispute with regard to the existence of alternate pathway for the suit “A” Schedule property. The existence or otherwise alternate pathway can be decided only based on the report to be filed by the Advocate Commissioner. Hence, the appointment of Advocate Commissioner for local inspection is absolutely necessary. The Trial Court rightly appointed the Advocate Commissioner and directed him to measure the property and



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note down the physical features. I do not find any error in the order passed by the trial court. Accordingly, the Civil Revision Petition stands dismissed.

Consequently, the Connected Miscellaneous Petition is closed. No cost.

29.10.2025

Index : Yes / No

Internet : Yes / No

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To

1. The District Munsif-Cum-Judicial Magistrate, Kurinjipadi.

2.The District Collector

Cuddalore District.

3.The Tahsildar

Kurinjipadi Taluk, Cuddalore District.

4.The Sub Registrar

Vadalur, Kurinjipadi Taluk, Cuddalore District.

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S.SOUNTHAR, J.

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