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C.R.P.No.5559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5559 of 2025

and

C.M.P.No.27880 of 2025

Varalakshmi

... Petitioner

VS.

1.C.Vijayakumar

2.The Union of India
Rep. By its Chief Secretary,
Government of Puducherry

3.The Tahsildar
[Chairman, land grabbing cell]
Oulgaret, Taluk Office, Puducherry

4.The District Registrar
Registration Department,
New Saram, Pondicherry.

5.Dhanalakshmi

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decretal Order dated 02.09.2025 passed in I.A.No.1 of 2025 in O.S.No.193 of 2023 on the file of the Principal District Judge, Pondicherry.

For Petitioner : Mr.Anirudh Krishnan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/5th defendant seeking appointment of Advocate Commissioner to note down the physical features of the suit property in I.A.No.1 of 2025 in O.S.No.193 of 2023, dated 02.09.2025.

2. The 1st respondent herein filed a suit seeking declaration that the Sale Deed dated 06.12.2017 executed by 4th defendant in favour of 5th defendant was null and void. He also sought for a declaration of his title to the suit property and for recovery of vacant possession. Apart from that the



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plaintiff also sought for mandatory injunction directing the 2nd defendant to cancel patta issued in favour of 5th defendant. Pending suit, the 5th defendant herein filed an application seeking appointment of Advocate Commissioner to note down physical features. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that noting the physical features of the property will help the Court to come to a conclusion with regard to the actual possession of the property.

4. The 1st respondent sought for declaration of title and recovery of possession. He also sought for declaration that Sale Deed executed by 4th defendant in favour of 5th defendant was null and void. To decide the validity of the Sale Deed and decide the title of the plaintiff, the physical features of the property need not be noted down. Further, the Advocate Commissioner is not entitled to give any finding with regard to the physical possession of the property by any of the litigant. In such circumstances, the Trial Court rightly dismissed the application as unnecessary. I do not find error in the order impugned in this revision.



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5. Accordingly, the Civil Revision Petition is dismissed. No costs.

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Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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- 1.The Principal District Judge,
Pondicherry.
- 2.The Chief Secretary,
Union of India
Government of Puducherry
- 3.The Tahsildar
[Chairman, land grabbing cell]
Oulgaret, Taluk Office, Puducherry
- 4.The District Registrar
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S.SOUNTHAR, J.

dm

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