



C.R..P.(PD)(MD).No.1048 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1048 of 2025

and

C.M.P(MD) No.5742 of 2025

R.Natarajan
S/o. Late Ramasamy Gounder,
D.No.128, Periyakalipalayam,
Nerur North Village,
Karur Taluk, Karur.
For himself and behalf of his owner
and wife Tmt.N.Jaya.

... Petitioner/Petitioner
Plaintiff

Vs.

1. Pappayee
2. Kuppusamy
3. Pappathy
4. Rajendran
S/o. Subbaraya Gounder
- Samiyar @ Rasappa Gounder (Died)
5. Lakshimi
6. R.Chinnasamy



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WEB COPY 7. R.Kandasamy

8. V.Periannan @ Periyasamy

9. Rajendran
S/o.Periannan

10. R.Kulandaivel

11. K.Amudhavel

12. Natesan

13. Senthil

14. T.Sadayammal

15. P.Arumugam ... Respondents/Respondents
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned fair and decreetal order passed in I.A.No.18 of 2024 in O.S.No.21 of 2014 dated 19.11.2024 on the file of the Principal District Munsif Court, Karur.

For Petitioner : Mr.R.Chandrasekar



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ORDER

The plaintiff in O.S.No.21 of 2014, on the file of the Principal District Munsif Court, Karur, has filed the present Civil Revision Petition challenging the dismissal of his application for summoning the Tahsildar, Manmangalam Taluk and for marking the FMB sketch and “A” Register.

2. A perusal of the records reveal that the suit has been filed for the relief of permanent injunction restraining the private defendants from in any way interfering with the plaintiff's peaceful possession and enjoyment of “A” schedule property. The plaintiff has further prayed for a mandatory injunction directing the defendants to restore the width of the suit “B” schedule irrigation channel to its original status of 10 feet by including their encroached portion shown as “C” schedule property in the suit. The plaintiff has further prayed for a decree for mandatory injunction directing the defendants to restore the width of the suit “D” schedule irrigation channel.



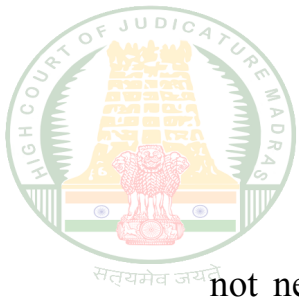
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3. Pending suit, the plaintiff has filed I.A.No.18 of 2024, seeking permission of the Court to examine the Tahsildar, Manmangalam Taluk so as to mark the certified copy of FMB Sketch and “A” Register. This application was dismissed by the trial Court pointing out that for marking the certified copies of those documents, examination of Tahsildar is not necessary. Challenging the same, the present Civil Revision Petition has been filed.

4. According to the learned counsel appearing for the revision petitioner, the defendants in the suit have disputed the existence of the said channel in their written statement. In such circumstances, in order to prove the existence of the channel and right of the plaintiff would prove the existence of the channel, the examination of Tahsildar is not necessary.

5. A perusal of the affidavit filed in support of I.A.No.18 of 2024 reveals that the only purpose, for which, the plaintiff seeks to examine the Tahsildar is for the purpose of marking certified copies of FMB Sketch and “A” Register. For marking these documents, the examination of Tahsildar is



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not necessary. The plaintiff could very well mark these documents through any one of the witness. The trial Court has rightly rejected the said application. Therefore, there are no merits in this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

03.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal District Munsif Court,
Karur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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