



C.R..P.(PD)(MD).No.787 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.787 of 2025

and

C.M.P(MD) No.4230 of 2025

1. G.Khaja Saleem

2. Aripa Begam

... Petitioners/
Petitioners/Plaintiffs

Vs.

1. S.K.Syed Ibrahim Shah

2. Mohaideen Abdul Khadar Jeyalani

... Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 06.08.2024 made in I.A.No.5 of 2024 in O.S.No.8 of 2016 on the file of the Additional District Munsif, Aruppukottai and set aside the same.

For Petitioners : Mr.V.Sasi Kumar



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ORDER

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The plaintiffs in O.S.No.8 of 2016, on the file of the Additional District Munsif Court, Aruppukottai, have filed the present Civil Revision Petition, challenging the order passed by the trial Court, wherein, their application for summoning the Municipal Town Surveyor for the purpose of production of Old and New Town Surveyor records and FMB sketch have been rejected.

2. A perusal of the records reveal that the above said suit has been filed for the relief of declaration that the ABCD portion in the plaint rough sketch is a common lane and for a permanent injunction restraining the defendants from putting up any construction or obstructing the said common lane. The plaintiffs have further prayed for a mandatory injunction for removal of constructions that were already putting up by the defendants in the ABCD portion.

3. Pending suit, the plaintiffs have filed I.A.No.5 of 2024 for appointment of an Advocate Commissioner to measure the suit schedule properties along with the help of the Town Surveyor. The Advocate Commissioner has already filed his report. As per the report of the Town



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Surveyor, he was not in a position to locate the zero point to identify the suit schedule properties. The present application has been filed by the plaintiffs seeking to examine the said Town Surveyor for the purpose of production of Old Town Surveyor and New Town Surveyor records along with FMB Sketch. This application has been rejected by the trial Court primarily on the ground that the plaintiffs should get certified copies of the documents and produce before the Court, in case, if they want to establish the case.

4. According to the learned counsel appearing for the revision petitioners, unless the town surveyor is examined they would not be in a position to establish the case.

5. This Court is of the considered opinion that the plaintiffs could very well get certified copy of the Old Town Survey and New Town Survey Records along with FMB sketch and produce it before the Court. In case, if the request for those records are rejected by the authority, the plaintiffs are at liberty to revive their request to examine the Town surveyor.



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6. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

14.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy of 18.03.2025

To

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



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R.VIJAYAKUMAR,J.

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