



C.R.P.(PD)(MD)No.922 of 2025

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.03.2025

CORAM

**THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR**

**C.R.P.(PD)(MD)No.922 of 2025**

**and**

**C.M.P(MD)No.4922 of 2025**

N.Sukumaran

...Petitioner/Petitioner/Plaintiff

Vs.

1.The Divisional Engineer,  
Highway Department,  
Construction and Maintenance,  
Nagercoil, Kanyakumari District.

2.The Deputy Divisional Engineer,  
Highway Department,  
Construction and Maintenance,  
Thuckalay, Kanyakumari District.

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.5 of 2023 in OS No.211 of 2019 dated 29.01.2025 on the file of Principal District Munsif Court, Kuzhithurai.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader

\* \* \* \* \*



C.R.P.(PD)(MD)No.922 of 2025

## **ORDER**

WEB COPY

The plaintiff in O.S.No.211 of 2019, on the file of the Principal District Munsif Court, Kuzhithurai, has filed the present revision petition challenging the dismissal of his application filed for appointment of Advocate Commissioner.

2.A perusal of the records reveal that the suit has been filed by the plaintiff for the relief of declaration of title and permanent injunction as against the officials of the State Highways Department, and the District Collector of the Kanyakumari District. A perusal of the written statement reveals that the Highways Department contend that the suit property is a road poromboke and on several occasions, they have issued notice to the encroachers. Despite several notices, the encroachers have not vacated and handed over the possession to the Highways Department.

3.In the light of the above said facts, the plaintiff has filed I.A.No.5 of 2023, to appoint the Advocate Commissioner to note down the location of the property, the age of the building and the location of the Temple in the said property. Though the Highways Department has remained ex-parte, the Court has proceeded to close the said application on the ground that in a suit for



C.R.P.(PD)(MD)No.922 of 2025

declaration of title and permanent injunction, appointment of Advocate Commissioner is unnecessary. This order is under challenge in the present revision petition.

4. According to the learned Counsel appearing for the revision petitioner, the petitioner has pointed out six reasons for appointment of the Advocate Commissioner in his petition filed in I.A.No.5 of 2023. Those reasons have not been properly adverted to by the trial Court.

5. The learned Special Government Pleader appearing for the respondents herein had contended that the suit property is a road poromboke belonging to the State Highways Department and therefore, the plaintiff is duty bound to establish his title and possession over the same. The suit itself is not maintainable. He further contended that the several notices have been issued to the plaintiff to vacate and hand over the possession of the property.

6. Considering the fact that the suit has been filed with a prayer for declaration of title and permanent injunction and there is no dispute with regard to lie and location of the property, the application for appointment of Advocate Commissioner is unnecessary, especially, when the defendants have disputed the title of the plaintiff.



C.R.P.(PD)(MD)No.922 of 2025

WEB COPY

7. Therefore, there are no merits in the Civil Revision Petition.

Accordingly, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

**24.03.2025**

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Principal District Munsif, Kuzhithurai.

**Copy to:-**

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(PD)(MD)No.922 of 2025

**R.VIJAYAKUMAR, J.**

RJR

**C.R.P.(PD)(MD)No.922 of 2025**

**24.03.2025**