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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.996 of 2025

and

C.M.P(MD)No.5352 of 2025

P.Subbiah

...Petitioner/Petitioner/Plaintiff

Vs.

1.The District Collector,
O/o.the District Collector,
Korampallam, Thoothukudi,
Thoothukudi District.

2.The Block Development Officer,
(Village Panchayat),
Kayathar Panchayat Union,
Kayathar Panchayat Union Office,
Kayathar, Thoothukudi District.

3.The President,
Thottampatti Panchayat,
Thottampatti,
Thoothukudi District.

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decretal order dated 15.11.2024 passed in I.A. No.567 of 2024 in OS No.193 of 2016 on the file of the District Munsif Court, Kovilpatti, Thoothukudi District, by allowing this Civil Revision Petition.



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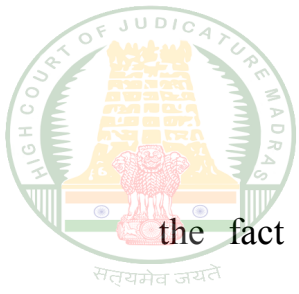
For Petitioner : Mr.S.Velrajan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The plaintiff in O.S.No.193 of 2016, on the file of the District Munsif Court, Kovilpatti, Thoothukudi District, has filed the present revision petition challenging the dismissal of his application for reopening the case for the purpose of examining the Tashildar, Kayathar.

2.A perusal of the plaint averments reveal that the suit has been filed for the relief of permanent injunction over the first schedule property and for declaration and permanent injunction over the second schedule property.

3.According to the learned Counsel appearing for the revision petitioner, the second schedule property has been assigned by the Government in his favour. As far as, the first schedule is concerned, he is in enjoyment of the suit schedule property for so many years from the time of his ancestors. When the third defendant was examined as witness, he has produced a document to show that the first schedule property is a Government poromboke. Therefore, the plaintiff would like to examine the Tashildar of the Kayathar Taluk to establish



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the fact that the old survey number is a Natham land. At the time of re-survey, the Natham land has been erroneously classified as the Government poromboke. The trial Court has proceeded to dismiss the said application primarily on the ground that the Tashildar need not be examined and application has been filed much belatedly and it is in argument stage.

4. In case, if the petitioner is having documents to the effect that the old survey number has been classified as Natham land, it is for him to produce the documents before the Court to establish the said facts. Therefore, examination of Tashildar is not necessary. This Court does not find any reason to interfere in the order passed by the trial Court.

5. With the above said observations, the Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

27.03.2025

Internet: Yes/No
Index: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned District Munsif, Kovilpatti,
Thoothukudi District.

Copy to:-

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

C.R.P.(PD)(MD)No.996 of 2025

27.03.2025