



C.R..P.(PD)(MD).No.1434 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1434 of 2025

and

C.M.P(MD) No.7325 of 2025

1. Kannan

2. Murugesan

3. Ramasamy

... Petitioners/Respondents 1 to 3
/ Defendants 1 to 3

Vs.

1. Periyakkal

2. Vijaya

3. Pushpa

4. Velmurugan

5. Kannan

... Respondents 1 to 5/
Petitioners/Plaintiffs

6. The Village Administrative Officer,
R.Kombai Village,
Gujiliyamparai Taluk,
Dindigul District.



C.R..P.(PD)(MD).No.1434 of 2025

WEB COPY

7. The Block Developing Officer,
Gujiliyamparai Taluk,
Dindigul District.

... Respondents 6 and 7/
Respondents 4 and 5/
Defendants 4 and 5

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records of the learned Subordinate Judge, Veda sandur, Dindigul District made in I.A.No.03 of 2025 in O.S.No.08 of 2025 and set aside the docket order dated 08.01.2025.

For Petitioners : Mr.C.Deepak
for M/s.V.Vilma Raxy

For R6 and R7 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The defendants 1 to 3 in O.S.No.8 of 2025 on the file of the Sub Court, Veda sandur, Dindigul District, have filed the present Civil Revision Petition challenging the order of appointment of an Advocate Commissioner to note down the physical features of the property.



C.R..P.(PD)(MD).No.1434 of 2025

WEB COPY

2. According to the learned counsel appearing for the revision petitioners, the plaintiffs are already having an alternative pathway as per government records and therefore, it is not necessary for appointment of an Advocate Commissioner. He further contended that without issuing any notice to the defendants, an *ex parte* Commissioner has been appointed. It is the intention of the plaintiffs to prevent the defendants from getting patta for the “B” schedule property.

3. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

4. A perusal of the prayer in the plaint clearly reveals that the suit has been filed by the plaintiffs claiming pathway rights over the “B” schedule property. Therefore, it is essential to find out whether the pathway is existing in the “B” schedule property or not. In case, if the Commissioner has already filed his report, the defendants are entitled to file their objections. If the Commissioner has not noted down the physical features, the defendants are always entitled to seek re-issuance of warrant to the same Commissioner.



C.R..P.(PD)(MD).No.1434 of 2025

WEB COPY

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

29.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Subordinate Judge,
Vedasandur, Dindigul District
2. The Village Administrative Officer,
R.Kombai Village,
Gujiliyamparai Taluk,
Dindigul District.
3. The Block Developing Officer,
Gujiliyamparai Taluk,
Dindigul District.
4. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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C.R..P.(PD)(MD).No.1434 of 2025

R.VIJAYAKUMAR,J.

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C.R.P(PD)(MD)No.1434 of 2025

29.04.2025