

CRP(MD). No.1737 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1737 of 2025
and CMP(MD) No.9420 of 2025**

Durairajan

... Petitioner

Vs

1. Balu,
S/o.Ramasamy,
Seenamangalam Village,
Melamangalam Post,
Aranthangi Taluk,
Pudukkottai District..

2. Megaraj,
S/o. Marimuthu,
Seenamangalam Village,
Melamangalam Post,
Aranthangi Taluk,
Pudukkottai District..

3. Sekar,
S/o.Veeraiya,
Seenamangalam Village,
Melamangalam Post,
Aranthangi Taluk,
Pudukkottai District.
(Respondents 1 to 3 are Representatives of
S.eenamangalam village people)



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4. The President of Panchayat,
Nagudi Village, Melamangalam Post,
Aranthangi Taluk,
Pudukkottai District..

5. The Village Administrative Officer,
Seenamangalam Village,
Melamangalam Post,
Aranthangi Taluk,
Pudukkottai District..

6. The Block Development Officer,
Block Development Office,
Aranthangi Taluk, Pudukkottai District..

7. The District Collector,
Collectorate Office,
Pudukkottai District..

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of Constitution of India, to allow the revision petition and set aside the fair and decreetal order dated 22.03.2025 made in I.A.No.4/2025 in O.S.No. 4/2025 on the file of the District Munsif Court, Aranthangi.

For Petitioner : Mr.S.Mohammed Kasim
For Respondents : Mr.P.T.Thiraviyam for R4 to R7
Government Advocate

ORDER

The Civil Revision Petition is filed against fair and decreetal order dated 22.03.2025 made in I.A.No.4/2025 in O.S.No.4/2025 on the file of the District Munsif Court, Aranthangi.

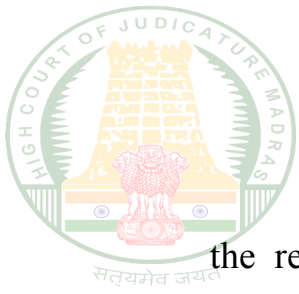


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2. Since no adverse orders are going to be passed against the respondents 1 to 3, notice to the respondents 1 to 3 is dispensed with.

3. The petitioner's case is that he is the defendant in OS No.4/2025. The plaintiffs filed the suit for permanent injunction, in which, they have also filed IA No.4/2025 for appointment of Advocate Commissioner to measure the suit property and to file a sketch and report and the same was allowed by appointing an Advocate Commissioner and it was also directed that upon measurement with the help of Village Administrative Officer and Surveyor, a report shall be filed to that effect before the Court.

3. The learned counsel for the petitioner would submit that the appointment of Advocate Commissioner is not warranted for the simple reason that when the suit is pending with regard to ownership of the suit property and there is no road reflected in the revenue records and to cull out the same, survey alone is mandatory by the revenue officials and the appointment of Advocate Commissioner is not necessary and hence, prays for interference. However the learned counsel would pray that if



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the report of the Advocate Commissioner is against the petitioner, a direction may be issued to the petitioner to file his objection before the trial Court for the Commissioner's report.

4. I have considered the submissions and perused the materials available on record.

5. In view of the submissions made by the learned counsel for the petitioner, on receipt of the Commissioner's report, if it is against the interest of the petitioner, the petitioner is permitted to raise his objections with regard to the Advocate Commissioner's report and the trial Court is directed to accept the same and pass orders accordingly. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

24.06.2025

NCC : Yes/No
Index : Yes/No
RR



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TO

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1. The District Munsif Court, Aranthangi

2. VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.1737 of 2025**

Date : 24/06/2025