



C.R.P(MD)Nos.1698, 1702, 1703 & 1705 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)Nos.1698, 1702, 1703 & 1705 of 2022

and

CMP(MD)Nos.7467, 7481, 7484 & 7489 of 2022

C.R.P(MD)No.1698 of 2022:

Meena

... Petitioner/Petitioner/
Petitioner/Plaintiff

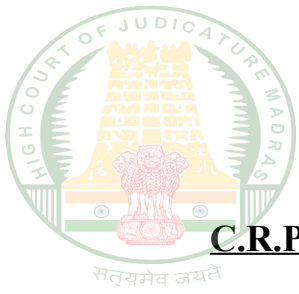
Vs.

1.Madasamy

2.Gurusamy Naicker

... Respondents/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.1 of 2021 in I.A.No.49 of 2014 in O.S.No.13 of 2014 on the file of the Sub Court, Sankarankovil, dated 25.04.2022.



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C.R.P(MD)No.1702 of 2022:

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M.Sankar Reddi

... Petitioner/Petitioner/
Petitioner/Plaintiff

Vs.

1.Madasamy

2.Gurusamy Naicker

... Respondents/Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order passed in I.A.No.1 of 2021 in I.A.No.46 of 2014 in O.S.No.12 of 2014 on the file of the Sub Court, Sankarankovil, dated 25.04.2022.

C.R.P(MD)No.1703 of 2022:

V.Chinnappa Nayakker

... Petitioner/Petitioner/
Petitioner/Plaintiff

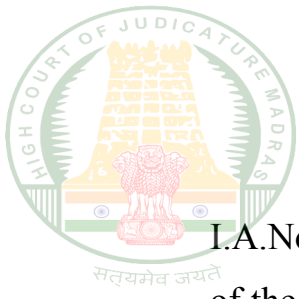
Vs.

1.Madasamy

2.Gurusamy Naicker

... Respondents/Respondents/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order passed in



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I.A.No.1 of 2021 in I.A.No.43 of 2014 in O.S.No.11 of 2014 on the file of the Sub Court, Sankarankovil, dated 25.04.2022.

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C.R.P(MD)No.1705 of 2022:

K.Ayyana Thevar @ K.A.Pandian

... Petitioner/Petitioner/
Petitioner/Plaintiff

Vs.

1.Madasamy

2.Gurusamy Naicker

... Respondents/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.1 of 2021 in I.A.No.39 of 2014 in O.S.No.10 of 2014 on the file of the Sub Court, Sankarankovil, dated 25.04.2022.

In all cases:

For Petitioner : Mr.H.Arumugam

For R1 : Mr.M.Thirunavukkarasu

COMMON ORDER

The plaintiffs in O.S.Nos.10, 11, 12 and 13 of 2014 on the file of Sub Court, Sankarankovil are the revision petitioners herein. These suits



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have been filed for the relief of declaration of title, recovery of possession and mandatory injunction to remove the encroachment.

2. Pending suit, the plaintiffs have filed an application for appointment of Advocate Commissioner to note down the physical features of the property. The Commissioner has filed a report to the effect that since there are no stones to identify the plots mentioned in the suit schedule properties, he is not in a position to identify the suit schedule properties. Thereafter, the present application has been filed to re-issue of the warrant to the Advocate Commissioner with the help of Inspector of Survey. The said applications have been dismissed by the trial Court on the ground that when there are no boundary stones to point out the plot numbers, no purpose would be served in reissuing the warrant to the Advocate Commissioner. Challenging the same, the present revision petitions have been filed.

3. According to the learned counsel appearing for the revision petitioners, specific four boundaries have been given in the suit schedule property and therefore, warrant can be reissued to the same



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Commissioner to identify and locate the suit schedule property with the help of a Surveyor.

4. The learned counsel appearing for the respondents herein had contended that when there are no stone markings, it is not possible to find out or locate the plot numbers.

5. Heard the learned counsels on either side and perused the material records.

6. A perusal of the suit property reveals that the plaintiffs have purchased specific plot numbers with certain boundaries. The Commissioner after visiting the property has filed a report to the effect that there are no revenue records to show that the suit property has been plotted out and therefore, he is not in a position to identify the suit schedule properties. The Commissioner has also enclosed the sketch furnished by the Revenue Department.



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7. In view of the above said facts, this Court is of the considered opinion that re-issuance of warrant to the Advocate Commissioner would not serve any purpose. The trial Court has rightly dismissed the application for re-issuance of warrant in all these cases. There are no merits in the revision petitions.

8. Hence, all the Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.02.2025

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

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To

- 1.The Sub Court,
Sankarankovil.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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20.02.2025