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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.184 of 2025

and

C.M.P(MD)No.1199 of 2025

P.Kamatchi Thevar (Died)

1.P.Praburaj

2.Rajathi

3.Annakamayee

...Petitioners/Petitioners/Plaintiffs

Vs

1.The Government of Tamil Nadu,
Through the District Collector,
Theni District.

2.The Thasildar,
Aundipatty Taluk Office,
Aundipatty.

3.The Revenue Inspector,
Aundipatty Taluk,
Aundipatty.

....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 14.11.2024, made in I.A.No.13 of 2024 in O.S.No.91 of 2019, on the file of the Principal District Court, Theni, and grant such other reliefs.



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For Petitioners : Mr.A.Jayaramachandran

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

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ORDER

The plaintiffs in O.S.No.91 of 2019, on the file of the Principal District Court, Theni, have filed the present revision petition challenging the dismissal of their application filed for appointment of Advocate Commissioner to note down the physical features of the property with a help of the Surveyor.

2.A perusal of the records reveal that the suit has been filed for the relief of declaration of title and permanent injunction with regard to 2 acres 26 cents of land in S.No.1506/2.

3.According to the averments in the plaint, the suit schedule property was originally assigned by the Government in favour of one Perumal Mathari and the legal heirs of the said Perumal Mathari. They have purchased the properties in the year 1960. Relying upon the said title deed and possession, the present suit has been filed. In the written statement, the Government officials have contended that assignment in favour of said Perumal Mathari, has been cancelled and the lands have been resumed. Therefore, it is clear that the only dispute that has to be decided by the trial Court is whether the assignment in favour of Perumal Mathari, has been cancelled in a manner known to law or not.



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4.The present application has been filed to note down the physical features of the property along with a help of Surveyor. For deciding the above said dispute, appointment of Advocate commissioner is not necessary. It is a settled position of law, Advocate Commissioner cannot be appointed either to collect the evidence or to find out who is in possession of the suit schedule properties.

5.The trial Court has rightly rejected the application for appointment of the Advocate Commissioner. Therefore, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

17.04.2025

Internet:Yes/No
Index:Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

1.The learned Principal District Judge,
Theni.

2.The District Collector,
Theni District.

3.The Thasildar,
Aundipatty Taluk Office,
Aundipatty.

4.The Revenue Inspector,
Aundipatty Taluk,
Aundipatty.

Copy to:-

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

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