



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1665 of 2022

1.M.Easwaran
2.M.Palanisamy
3.A.Muthu

..Petitioner(s)

Vs

1. Kumar @ A. Thangaraj

2.The Junior Engineer,
T.N.E.B. Mallur,
Salem 636 203.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decree and judgement dated 09/08/2021 made in IA No.1/2020 in OS.No.752/2018 on the file of the learned Additional District Munsif – IV, Salem.

For Petitioner(s): Mr.P.Jagadeesan

For Respondent(s): Mr.J.Prithivi for R1
R2 – Not ready in notice

ORDER

Challenging the order of dismissal of an application filed under Order XXIX Rule 9 of CPC for appointment of an Advocate Commissioner, the petitioner had approached this Court. The reasons that have been attributed for



appointment of the Advocate Commissioner is particularly to ascertain the laying of pipelines and drawing of cables for the purpose of electricity by the first respondent in the petitioners' land described in the suit C-schedule property and to file a Report for plan drawing to scale the same with the help of a qualified Surveyor.

2. The instant suit had been filed by the petitioners seeking for an injunction restraining the first respondent from in any way in disturbing the peaceful enjoyment of the B-Schedule pathway and to remove the underground electrical cables and PVC water pipe line laid in the plaintiffs suit property described in the C-schedule property.

3. A written statement had been filed by the first respondent admitting to the usage of the suit properties by laying the water lines and electrical lines by contesting the same to be a pathway. Even in the counter filed to the Interlocutory Application, a categorical admission had been made by the respondent as to the usage of the lands apart from laying of the water and electrical lines, when such being the position, this Court do not find any infirmity in the order impugned herein which had also taken note of the admitted facts in dismissing the application.

4. In such view of the matter, this Court do not find any merits in the



Civil Revision Petition and the same is dismissed. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GBA

To

1. The Additional District Munsif – IV,
Salem.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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CRP No. 165 of 2



K.KUMARESH BABU, J.

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CRP No. 847 of 2020

25-03-2026