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CRP No. 2753 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2753 of 2026

AND

CMP NO. 11397 OF 2026

1. Raja
S/o. Palaniyappan,
No.2/79, Sellappangkaattu Valaivu,
Vellarivelli Village,
Edappadi Taluk,
Salem District-637 101.
2. Poongodi
D/o Subramani,
No.2-18A Near PACS,
Ara, Kullampatti,
Arasiraamani Village,
Sangakiri Taluk,
Salem District 637 101

..Petitioner(s)

Vs

1. S.Murugesan
S/o. Sellappan,
No.4/56, Ooruvaappatti,
Siddhur Village,
Edappadi Taluk,
Salem District-637 101.
2. The District Collector
District Collectorate,
Salem 636 001
3. The District Revenue Officer
District Collectorate,
Salem 636 001
4. The Revenue Divisional Officer
Sangakiri,
Salem District



5. The Thasildar
Edappadi Taluk,
Edappadi
Salem District
6. The Joint Director/Deputy Director
of Town and Country Planning,
S.Kollapatti Salem Steel plant Main Road,
Thalavaipatti Village/Panchayat,
Salem 636 302
7. The Block Development Officer
Block Development Office,
Edappadi Taluk,
Salem District
8. The Sub Registrar
The Sub Registrar Office
Jalakandapuram Road,
Edappadi Taluk,
Salem District

..Respondent(s)

CMP No. 11397 of 2026

1. Raja
S/o. Palaniyappan,
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D/o Subramani,
No.2-18A Near PACS,
Ara, Kullampatti,
Arasiraamani Village,
Sangakiri Taluk,
Salem District 637 101

..Appellant(s)

Vs



1. S.Murugesan
S/o. Sellappan,
No.4/56, Ooruvaappatti,
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The Sub Registrar Office
Jalakandapuram Road,
Edappadi Taluk,
Salem District

..Respondent(s)



To set aside the Impugned fair and decreetal order dated 16.03.2026 made in IA.No.4 of 2025 in OS.No.96 of 2025 on the file of the District Munsif Cum Judicial Magistrate Court, Edappadi, by allowing this Civil Revision Petition

CMP No. 11397 of 2026

To stay the operation of the Impugned order dated 16.03.2026 made in IA.No.4 of 2025 in OS.No.96 of 2025 on the file of the District Munsif Cum Judicial Magistrate Court, Edappadi

CRP No. 2753 of 2026

For Petitioner(s): MR.R.Prabakar

For Respondent(s): MR.C.Munusamy FOR R1
MR.N.MUTHUVEL GA FOR R2 TO R6 AND R8
MR.C.DANIEL GA FOR R7

Order

The Revision Petitioner/Defendant challenges the order of the learned Trial Judge allowing the application filed by the plaintiff for measurement of the suit property with the assistance of a Surveyor.

2. The learned counsel for the petitioner would submit that though an Advocate Commissioner was appointed and the property was measured, the Commissioner has carried out the exercise only on the basis of recent documents, without reference to the parent title deeds. It is contended that such measurement, without correlating the parent



documents, would not yield a proper and conclusive identification of the property. Hence, objection has been raised.

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3.Per contra, the learned counsel appearing for the caveator/respondent would submit that the Commissioner, after issuing due notice, visited the property with the assistance of a Surveyor and has already filed an interim report. It is further submitted that notice was served on the defendants 1 and 2, but they failed to participate in the proceedings before the Commissioner. Therefore, at this stage, the objections raised are not sustainable.

4.This Court has considered the submissions and perused the materials on record.

5.It is seen that the Commissioner had issued notice to the parties and proceeded with the execution of the warrant. However, it is also brought to the notice of this Court that the measurement was carried out primarily based on recent documents of the year 2025, without proper reference to the parent deed. In a suit for declaration and consequential reliefs, proper identification of the property is essential. Such identification necessarily requires correlation with the parent title deed, in addition to the subsequent documents.



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In view of the above, while sustaining the appointment of the Advocate Commissioner, this Court directs the very same Commissioner to re-measure the suit property with the assistance of a qualified Surveyor and, if necessary, with the aid of the concerned Revenue Officials, by correlating the measurements with the parent document dated 2007 (Doc. No. 16/7/2008), along with other relevant title deeds. The expenses for the said exercise shall be borne equally by both parties.

With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

29-04-2026

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

JRS



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To

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2. The District Collector
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Salem 636 001
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Sangakiri,
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T.V.THAMILSELVI J.

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