



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

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

**CRP No. 2662 of 2026
and CMP.No.11245 of 2026**

K.Anandan
S/o. Kullan,
No.19B, Plot No.62,
Chandrayogi Samadhi Road,
Sastri Nagar,
Mangalapuram,
Chennai 12.

..Petitioner(s)

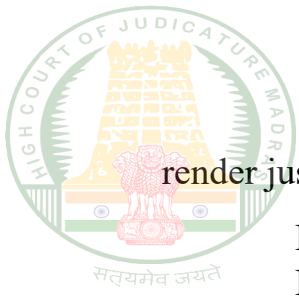
Vs

1. Sivagami
No.18A, Plot No.63,
Chandrayogi Samadhi Road,
Sastri Nagar,
Mangalapuram,
Chennai 12.
2. Tamil Nadu Slum Clearance Board
Rep. by its Managing Director
3. The District Collector
Chennai,
Chennai 1
4. The Commissioner
Corporation of Chennai,
Ripon Buildings,
Chennai 3.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 30.03.2026 passed by the Learned VII Asst.Judge, City Civil Court, Chennai in I.A.No.8 of 2024 in O.S.No.4053 of 2016 and thus



render justice.

For Petitioner(s):

C.P.Sivamohan

For Respondent(s):

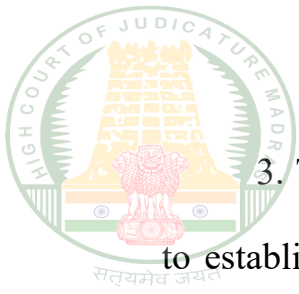
Mr.A.Anandan GA for R3

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ORDER

Challenging the impugned order passed by the Trial Judge in I.A. No.8 of 2024 in O.S. No.4053 of 2016, the first defendant has preferred the present revision.

2. Before the Trial Court, the petitioner/first defendant filed an application seeking issuance of subpoena to the Surveyor/Head Surveyor, Tamil Nadu Urban Habitat Development Board, Chennai, to adduce evidence in respect of the field map relating to Chandrayogi Samathi Street, Shastri Nagar, which had been marked as Ex.B-10. However, the said application was dismissed by the Trial Judge holding that the petitioner had not produced any sketch to substantiate his contention. The Trial Court observed that, had the petitioner produced the relevant sketch, his case could have been established to show that there was no common passage between Plot Nos.62 and 63. However, since the petitioner failed to produce such sketch and had come forward with the present application after commencement of trial, the same was held to be not maintainable and was accordingly dismissed. Aggrieved by the same, the present revision has been filed.

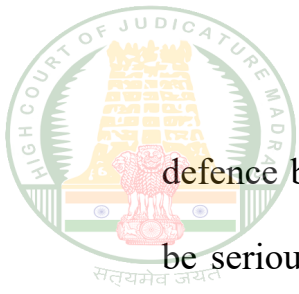


3. The learned counsel for the revision petitioner submitted that, in order to establish that the passage situated between Plot Nos.61, 62 and 63 is not a common passage but a private passage between the parties, it has become necessary to examine the concerned Surveyor. However, such opportunity was denied by the Trial Court.

4. Considering the submissions made and on a perusal of the records, it is seen that the suit was filed by the respondent/plaintiff in the year 2016 seeking the relief of permanent injunction and mandatory injunction for removal of the alleged unlawful construction put up by the defendant in the common pathway. The trial has already commenced. The specific defence of the first defendant is that the disputed passage is not a common pathway, but a private passage.

5. In order to substantiate the said defence, the petitioner seeks to examine the Surveyor with regard to the field map marked as Ex.B-10. Since the dispute revolves around the question as to whether the passage is private or common, the evidence of the Surveyor appears to be just and necessary for proper adjudication of the issues involved. Further, permitting such evidence would not cause any prejudice to the parties. Moreover, the trial has not yet been completed.

6. Opportunity must be afforded to the parties to effectively put forth their



defence before the Trial Court; otherwise, their right to defend the case would be seriously prejudiced. Therefore, this Civil Revision Petition deserves to be allowed.

7. Accordingly, the order passed by the Trial Court is set aside and the Civil Revision Petition is allowed. The revision petitioner is directed to take necessary steps and cooperate for early disposal of the trial proceedings. No costs. Consequently, the connected miscellaneous petition is closed.

28-04-2026

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

MPA



To

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1. The VII Assistant Judge, City Civil Court, Chennai.
2. Tamil Nadu Slum Clearance Board
Rep. by its Managing Director
3. The District Collector
Chennai,
Chennai 1
4. The Commissioner
Corporation of Chennai,
Ripon Buildings,
Chennai 3.
5. The Section Officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI, J.

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