

**CRP No.2842 of 2022****K.KUMARESH BABU, J.**

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This matter is posted today before this Court under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner bringing to the notice of this Court that the name of the Court before which the suit is pending and the number of the suit had been wrongly given. Apart from that, he would also submit that the Advocate Commissioner has found the pathway has been obstructed and therefore, he may be given opportunity to make necessary amendments in the suit.

2. In view of the same, the following corrections shall be carried out order dated 11.03.2026:

(i) In Para 6 at line No.4 the name of the Court namely, learned Subordinate Judge, Mettur shall be modified as learned District Munsif Court, Mettur and;

(ii) In the same paragraph at line No.6, it has been wrongly mentioned as I.A.No.154 of 2019, instead of O.S.No.154 of 2019 and the same shall also be rectified.

3. In addition to the above corrections, at the end of paragraph No.6, the following line shall be added: “after giving an opportunity to the plaintiff to make necessary amendments in the suit.”



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CRP No. 2842 of 2



K.KUMARESH BABU, J.

4. The Registry is directed to carryout necessary corrections and issue a fresh order copy.

02.04.2026

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CRP No. 2842 of 2022



WEB COPY

CRP No. 2842 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 2842 of 2022

and

C.M.P.Nos.15385 & 15387 of 2022

A.M.Tamizhvaanan

..Petitioner(s)

Vs

1. The State of Tamilnadu
Represented by its
District Collector,
District Collectorate Office,
Salem 636001.
2. The Chief Educational Officer,
Chief Education Office, District Collectorate
Office Building,
Salem 636 001.
3. The Head Master
Government Model Higher Secondary School,
Avadathur Village, Sowriyur Post,
Jalagantapuram Via, Metturu Taluk,
Salem District.

..Respondent(s)

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the Fair and Decretal order dated 25.07.2022 in C.M.A.No. 2 of 2021 on the file of the Sub-Court, Mettur, confirming the fair and decretal order dated 25.10.2021 in I.A.No. 3 of 2019 in O.S.No. 154 of 2019 on the file of the District Munsif Court, Mettur.



For Petitioner(s):

Mr.V.Sekar

For Respondent(s):

Mr.V.Ramesh

Government Advocate

(For R1 to R3)

Mr.Sam Jayaraj

(Advocate Commissioner)

ORDER

The present Civil Revision Petition has been filed to set aside the Fair and Decretal order dated 25.07.2022 in C.M.A.No. 2 of 2021 on the file of the Sub-Court, Mettur, confirming the fair and decretal order dated 25.10.2021 in I.A.No. 3 of 2019 in O.S.No. 154 of 2019 on the file of the District Munsif Court, Mettur.

2. Heard Mr.V.Sekar, learned counsel for the petitioner and Mr.V.Ramesh, learned Government Advocate for the respondents 1 to 3 and also heard Mr.Sam Jayaraj, learned Advocate Commissioner.

3. This revision petition has been filed, challenging the order passed in the Interlocutory Application, wherein the petitioner had sought for appointment of an Advocate Commissioner. This Court takes notice of the fact that, pending the revision petition, this Court had appointed an Advocate Commissioner, who had inspected the property and had also filed a detailed report, which has been placed on record.



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4. This Court, while appointing the Advocate Commissioner, by its order dated 30.10.2024, had noted that the rival claim relates to the suit passage and to give quietus to the issue, appointed an Advocate Commissioner to inspect the property and note down the physical features, with specific reference as to whether there are any other alternate pathways to reach the property other than the suit pathway.

5. Since the Advocate Commissioner had already been appointed by this Court, who had inspected the property and filed a report, this Court is of the view that there will be no further necessity to adjudicate upon the issue that is the subject matter of the revision in the suit. In such view of the matter, this revision petition stands closed.

6. However, considering the fact that a report has been filed by the learned Advocate Commissioner before this Court, Registry is directed to forward the said report, which has been filed in SR.No.45175 of 2024 dated 22.11.2024 along with a copy of this order, to the learned Subordinate Judge, Mettur, who shall take the Advocate Commissioner's report as a report filed before the Court in I.A.No.154 of 2019 and proceed further with the suit within a period of six (6) months, as the suit had been filed as early as in the year 2019.



7. This Court also appreciates the manner in which the learned Advocate Commissioner had executed the warrant and holds that he is entitled for further remuneration of Rs.15,000/- (Rupees Fifteen Thousand only) payable by the petitioner. The warrant issued to the learned Advocate Commissioner shall stand discharged.

8. If the petitioner or the respondents wishes to examine the learned Advocate Commissioner, the same can be done by issuing necessary Subpoena to the learned Advocate Commissioner. When he appears before the Court, he shall also be entitled for the cost of travel and stay for appearing before the Court.

9. In fine, this Civil Revision Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

11-03-2026

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

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To

1. The District Munsif Court, Mettur.
2. The Sub-Court, Mettur.



3. The District Collector,
The State of Tamilnadu
District Collectorate Office,
Salem 636001.
3. The Chief Educational Officer,
Chief Education Office,
District Collectorate Office Building,
Salem 636 001.
4. The Head Master
Government Model Higher Secondary School,
Avadathur Village, Sowriyur Post,
Jalagantapuram Via, Mettore Taluk,
Salem District.



WEB COPY

CRP No. 2842 of 2



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CRP No. 2842 of 2022

11-03-2026