



WEB COPY

CRP No. 3042 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

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

CRP No. 3042 of 2025

Rajeshwari,
W/o.Kannan,
D.No.337, B.S.Sundaram Road,
Prasath Street, Uthukuli Road,
Tiruppur District.

..Petitioner(s)

Vs

1. M.Subramaniam,
S/o.Marappan, D.No.3/364, Mamarathottam,
Velayuthampalayam, Avinashi Taluk, Tiruppur
District.
2. The District Collector,
Tiruppur.
3. Regional Transport Officer (RTO),
Avinashi.

..Respondent(s)

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above C.R.P. by setting aside the Fair and Decreetal order dated 15.04.2025 passed in I.A.No.1557 of 2023 in O.S.No.335 of 2023 on the file of the Sub Court, Avinashi.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): R1 - Unclaimed
Mr.C.Sathish
Government Advocate
For R2 and R3

**ORDER**

Challenging the impugned order passed in IA No.1557 of 2023 in OS No.335 of 2023 dated 15.04.2025 on the file of the Subordinate Court, Avinashi, the plaintiff has preferred the present revision petition.

2. The plaintiff has filed an application before the Trial Court to appoint an Advocate Commissioner to note down the physical feature of the property and the same was contested by the learned Government Advocate for the defendants 2 and 3.

3. On hearing both sides, the trial judge dismissed the application by holding that as on date the Regional Transport Office was constructed by the State. Therefore, to note down the physical features appointment of Advocate Commissioner is not necessary and therefore, the trial judge dismissed the application. Aggrieved over the same, the plaintiff has preferred the present revision petition.

4. The learned counsel for the plaintiff submits that the plaintiff has come forward with the suit for partition in respect of the suit property wherein the defendants 2 and 3 / State has illegally put up a construction. Therefore, he wants to appoint an Advocate Commissioner to note down physical features which is just and necessary to prove her claim.



5. The learned Government Advocate submitted his status report stating that already Regional Transport Office was constructed and already in the year 2007, the settlement deed was executed by the father of the plaintiff. As on date the settlement also not been cancelled. So as on date the Regional Transport Office was completed and is under the occupation of the defendants 2 and 3.

6. In such circumstances, noting down the physical features would not arose. Therefore, the reason assigned by the trial judge requires no interference. Accordingly, this Civil Revision Petition stands dismissed. The status report filed by the respondents shall form part of the record. The trial judge is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order. No costs.

01-04-2026

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

MTL

To

1. The Sub Court, Avinashi.



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T.V.THAMILSELVI, J.

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