



WEB COPY

CRP No. 110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 110 of 2026 and

CMP No.416 of 2026

1. E.Vijayaragavalu
S/o. Loganathan,
No.50/1, Arakkonam Road,
Tiruttani, Thiruvallur District.

2. E.Vanitha
W/o.Vijayaragavalu,
No.50/1, Arakkonam Road,
Tiruttani,Thiruvallur District.

C.Sulochana (Died)
K.Krishnaveni (Died)

3. Niksonneuton Neupikan
S/o.Dhanraj,
Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.

Kuberan (Died)

..Petitioner(s)

Vs

1. G.Magesh Kumar
S/o. Gowtham Chand, No.27, Arakkonam Road,
Tiruttani Town and Taluk, Tiruvallur District.

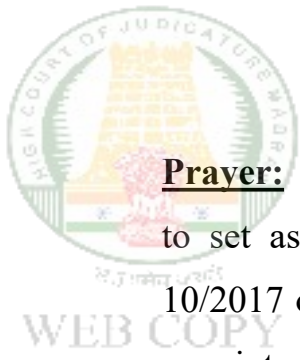
2. C. Ganesan S/o.Chinnapillai,
Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist

C.Harikrishnan (Died)



3. C. Velan, S/o.C.Ganesan,
Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.
4. C.Jothiswari, D/o.c.Ganesan,
Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.
5. C.Hemavathi, D/o.c.Ganesan,
Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.
6. C. Chinnapiyan, S/o.Late C.krishnaveni,
No. 298, Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.
7. C.Dinesh, S/o.Chinnapaiyan,
No.298, Periyar Nagar,
Tiruttani Town and Tk,
Tiruvallur Dist.
8. Lakshmi
D/o.Chinnapaiyan,
No.298, Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.
9. Kokila
D/o.Chinnapaiyan,
No.298, Periyar Nagar, Tiruttani Town and Tk,
Tiruvallur Dist.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 16.10.2025 passed in IA.No.6/2025 in OS.No. 10/2017 on the file of District Munsif Court at Tiruttani, Thiruvallur District to appoint an advocate commissioner to make local inspection to report about the physical nature and usage of the suit land in question.

For Petitioner(s): Mr. V. Manohar

For Respondent(s): Mr.A. Neeraj

ORDER

Heard Mr.V.Manohar, learned counsel for the petitioners and Mr.A.Neeraj, learned counsel appearing for the first respondent/Caveator. With their consent, the main civil revision petition is taken up for final disposal.

2. This civil revision petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioners, seeking appointment of Advocate commissioner to note down the physical features of the suit property.

3. The first respondent herein/plaintiff filed a suit in O.S.No.10 of 2017 for bare injunction against the petitioners herein/defendants restraining them from interfering with his alleged peaceful possession over the suit property.

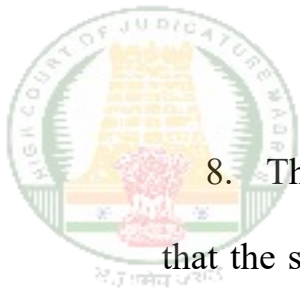


4. The suit was contested by the defendants on the ground that the suit property has been used as a public road by the petitioners and others and it was a government property.

5. Pending suit, the petitioners herein filed the instant application seeking appointment of Advocate Commissioner to note down the physical features of the suit property and the same was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this court.

6. The learned counsel for the petitioners would submit that local inspection by the Advocate Commissioner will help the court to decide the main controversy involved in the suit. Therefore, according to him, the civil revision petition has to be allowed.

7. The learned counsel for the first respondent/plaintiff would submit that the petitioners/ defendants have not established their possession over the suit property by producing any acceptable evidence. Therefore, the present application filed by them is only to drag on the proceedings.



8. The petitioners/defendants opposed the suit prayer mainly on the ground that the suit property has been used as a public road for having access to their residence. Whether the suit property is a public road on ground or not is a vital factor to decide the controversy involved in the suit. Therefore, noting down the physical features through local inspection will certainly help the court to decide the main controversy involved in the suit. Hence, the Trial Court committed an error in dismissing the application filed by the petitioners/defendants.

9. Accordingly, this civil revision petition is allowed and the impugned order passed by the Trial Court is set aside. Consequently, I.A.No.6 of 2025 in O.S.No.10 of 2017 is allowed. The Trial Court is directed to appoint an Advocate Commissioner to note down the physical features of the property. He shall file a report before the Trial Court, within a period of four weeks from the date of receipt of copy of the order. Both the parties are directed to extend their cooperation to the Advocate Commissioner to stick on to the time line fixed by this court. There shall be no order as to costs. Connected miscellaneous petition is closed.

19-01-2026

Internet: Yes

Index: Yes/No

Neutral Citation: Yes/No

MST



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To

The District Munsif at Tiruttani,
Thiruvallur District.



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S.SOUNTHAR, J.

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