



WEB COPY

CRP No. 58 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

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

CRP No. 58 of 2026 & CMP.No.160 of 2026

Thanikachalam, S/o Ellappa Chettiar,
New No 13/7, (Old No 18/1C,)
Parthasarathy Pillai 7th Lane,
Now Parthasarathy Pillai 3 Lane,
Old Washermenpet, Chennai 600 021

..Petitioner(s)

Vs

1. The District Collector
Collectorate Office at Chennai,
Second Line Beach Raod,
Chennai 600 001.
2. The Revenue Divisional Officer,
North Chennai Revenue Division,
Opp. To Puzhal Jail Road,
Puzhal,
Chennai-66.
3. The Tashildar,
Tondaripet Taluk Office,
Erratti Kulai Street,
Tondaripet,
Chennai-81.
4. R.Natarajan, S/o. Ramalingam,
No. 9/4, Parasururama Mudali Street,
Old Washermenpet,
Chennai-21.

..Respondent(s)



Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal Order dated 20.11.2025 made in IA No. 4/2024 in OS No. 6693/2023 on the file of XVIIth Addl. Judge City Civil Court, at Madras.

For Petitioner(s): Mr.A.M.Krishnamoorthy

For Respondent(s): Mr.C.Sathish, Govt. Advocate – R1 to R3
Mr.M.Ramesh – R4

ORDER

Challenging the impugned Order passed by the trial Court in I.A.No.4 of 2024 in O.S.No.6693 of 2023, the plaintiff has preferred the present Civil Revision Petition.

2. The petitioner/plaintiff has filed the suit for declaration that the plaintiff is the absolute owner of the suit 'B' schedule property and consequently to direct the fourth defendant to quit and deliver vacant possession of the property to the plaintiff and for consequential injunctions. Pending suit, the petitioner had filed an application for appointment of an Advocate Commissioner to measure suit schedule properties and to note down the illegal encroachment and also construction made by the fourth respondent in respect of suit 'B' schedule property admeasuring about 399 sq.ft. or thereabouts with the



help of a Taluk Surveyor and file a report. The fourth respondent objected the application by filing counter. Considering the submissions on either side, the trial Court dismissed the application stating that there is no necessity to measure the suit A and B schedule properties by an Advocate Commissioner and that the Advocate Commissioner cannot be appointed to collect the evidence on either side and the Advocate Commissioner has no right to verify the documents to prove title of either party. Aggrieved over the same, the petitioner has preferred the present revision.

3. The learned counsel appearing for the petitioner would argue that the fourth respondent has made encroachment in the property and to prove the same, the petitioner wants to appoint an Advocate Commissioner to measure the suit properties. Whereas, the trial Court failed to give an opportunity to the petitioner and erroneously dismissed the application, which requires interference.

4. The learned counsel appearing for the fourth respondent would submit that the prayer in the suit itself as such is not maintainable and the petitioner seeks a direction to the Advocate Commissioner to verify the title documents of the parties, which is not permissible. Therefore, it is his contention that the trial Court has rightly dismissed the application, which needs no interference.



5. A perusal of records reveals that the plaintiff has filed the suit for declaration and also for permanent injunction against the fourth defendant to hand over vacant possession in respect of 'B' schedule property, claiming that there is encroachment made by the fourth defendant. Considering the prayer sought in the plaint, this Court is of the view that the report of the Advocate Commissioner will enable the Court to adjudicate the issues between the parties. Hence, the Order impugned has to be set aside.

6. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court in I.A.No.4 of 2024 in O.S.No.6693 of 2023 dated 20.11.2025 is set aside. No costs. The trial Court is directed to appoint an Advocate Commissioner to measure the suit properties along with a qualified surveyor and to note down the physical features of the suit properties and file a report along with a sketch within a period of four weeks. The Advocate Commissioner shall execute the warrant after giving notice to both the parties. Thereafter, the trial Court shall proceed further. Consequently, connected miscellaneous petition is closed.

02-04-2026

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

vrc



To

1. The XVII Additional Judge,
City Civil Court, Chennai.
2. The District Collector
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Second Line Beach Road,
Chennai 600 001.
3. The Revenue Divisional Officer,
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T.V.THAMILSELVI, J.

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