



C.R.P.(MD).No.748 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P(MD)No.748 of 2026

and

C.M.P.(MD)No.3414 of 2026

1.Seethalakshmi

2.Krishnamani

3.Sivaraja

4.Uma Maheswari

5.Mahalakshmi

6.Chitralekha

7.Geetha Jayalakshmi

8.Meenaksi

9.Balakrishnan

... Petitioners

Vs.

1.G.Elankeeran

2.Angani

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.11.2025 passed in IA No.3 of 2025 in OS No.82 of 2025, on the file of the Additional Sub Court, Tirunelveli.



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For Petitioners :Mr.Raghuvaran Gopalan for
Mr.C.Narendren

For Respondents : Mr.R.Ponkarthikeyan

ORDER

This Civil Revision Petition challenges the order dated 05.11.2025 made in IA No.3 of 2025 in O.S No.82 of 2025 on the file of the Additional Subordinate Court, Tirunelveli.

2. Aggrieved by an order appointing an Advocate Commissioner in a suit for declaration and injunction, the present revision has come before this Court, at the instance of the plaintiff.

3. O.S.No.82 of 2025 is a suit for declaration of title and for consequential relief of injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the property.

4. It is the case of the plaintiff that they have purchased the property 15 years earlier to the purchase made by the defendants. The parties have been seeking demarcation and survey of their respective holdings. The matter came up before this Court in WP(MD)No.30761 of



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2024 at the instance of the first defendant. By an order dated 18.12.2024, the Tahsildar was called upon to survey the property after giving due notice to the respective parties. On the completion of the survey, he was called upon to lay the survey stones. Even before the survey could be completed, the Civil Revision petitioners had approached the Additional Subordinate Judge at Tirunelveli, by way of the present suit. Consequently, the Tahsildar closed the enquiry, leaving it to the parties to agitate the matter before the Civil Court.

5. On being served with the summons, the defendants took out an application in I.A.No.3 of 2025 for appointment of an Advocate Commissioner to measure the suit property as well as the neighboring property in survey No.1258B/1C2 and to demarcate the western boundary of the properties. The plaintiffs took several pleas resisting this application. The learned Judge overruled the objections and felt that in the nature of dispute that has been presented to him, it is necessary for an Advocate Commissioner to be appointed and to submit a report.

6. When the matter came up for admission Mr.Raghuvaran Gopalan appearing for Mr.Narendren submitted that, if the Advocate



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Commissioner visits the property and submits a report only on the basis of the revenue records, it would not do justice to the parties. He relied upon certain observations made by the Tahsildar while rejecting the request made by the 1st defendant in and by way of his order dated 21.03.2025. He urged that the survey must be conducted only on the basis of the respective title deeds of the plaintiffs and defendants 1 and 2. I issued notice on that limited aspect alone. On service of notice, Mr.R.Ponkarthikeyan has entered appearance for the respondents.

7. Heard Mr.Raghuvaran Gopalan, for Mr.Narendren appearing for the petitioner and Mr.Pon Karthikeyan, appearing for the respondents. I have gone through the records.

8. Appointment of an Advocate Commissioner is a discretionary order. There is a dispute on the identity of the holdings between the plaintiff and the defendants. As pointed out above, the defendants attempted to get their property demarcated by adopting the route of a Writ Petition. On account of the pendency of the suit, the Tahsildar was of the view and rightly so, that it should be resolved only by the jurisdictional civil Court. When demarcation is the issue, fault



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cannot be found with the order passed by the learned Additional Subordinate Judge, seeking for a report of a commissioner. Yet, the plea of Mr.Raghuvaran Gopalan, that the Commissioner must not measure the property only on the basis of the revenue records, deserves consideration.

9. Mr.Pon Karthikeyan, appearing for the respondents states that he is not relying solely upon revenue records, but on a registered sale deed and settlement deed executed in favour of the defendants. He urged that the revenue records were mutated only on the basis of the registered documents. This issue can be resolved by calling upon the Commissioner to survey the property all over again. If he has already conducted the exercise at the time of such inspection and survey, the title deeds of both the parties, together with whatever revenue records they have, will have to be produced before him. He and the surveyor will measure the property on the basis of the title deeds and the revenue records and thereafter, submit a report.

10. The fear of Mr.Raghuvaran Gopalan that the inspection will be conducted only on the basis of revenue records stands allayed. No further orders are necessary in the Civil Revision Petition.



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Accordingly, the Civil Revision Petition is closed. No costs.

Consequently, connected miscellaneous petition is closed.

06.04.2026

NCC : Yes / No
Index : Yes / No

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To

The Additional Subordinate Judge,
Tirunelveli.



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V.LAKSHMINARAYANAN, J.

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