



C.R.P.(MD)No.247 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.247 of 2026

and

C.M.P.(MD)No.995 of 2026

N.M.J.Rajarajan

... Petitioner

-VS.-

1.The District Collector,
Madurai District,
Collectorate Office, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai – 20.

3.The Tahsildar,
Madurai East Taluk,
Othakadai, Madurai District.

4.Indirani

5.Vijaya

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order, dated 18.09.2025 made in I.A.No.757 of 2023 in O.S.No.231 of 2022 on the file of the IV Additional District Court, Madurai.



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For Petitioner :Mr.Sakthi Siddharth
for Mr.R.Suriya Narayanan
For R1 to R3 :Mr.F.Deepak
Special Government Pleader
For R4 and R5 :Mr.M.Ponniah

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned IV Additional District Judge, Madurai, in I.A.No.757 of 2023 in O.S.No.231 of 2022, dated 18.09.2025.

2.Heard Mr.Sakthi Siddharth, learned Counsel for the Revision Petitioner, Mr.F.Deepak, learned Special Government Pleader for the respondents 1 to 3 and Mr.M.Ponniah, learned Counsel for the respondents 4 and 5.

3.The petitioner is the plaintiff in the suit in O.S.No.231 of 2022 on the file of the IV Additional District Judge, Madurai. The respondents are the defendants in the suit. The said suit was filed for declaration and for consequential reliefs. During the pendency of the suit, the petitioner herein



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has filed an interlocutory application in I.A.No.757 of 2022 under Order 26 Rule 9 and Section 151 of CPC for appointment of an Advocate Commissioner. The learned IV Additional District Judge, Madurai, vide impugned order, dated 18.09.2025, had dismissed the said application on the ground that when the petitioner himself has admitted that the existence of the property in question, there is no necessity to appoint an Advocate Commissioner. Challenging the same, the present Civil Revision Petition has been filed.

4.Mr.Sakthi Siddharth, learned Counsel for the petitioner submitted that when the petitioner has applied for patta for the suit property, he came to know that the property in S.No.154/1 is a Government land in which the respondents 4 and 5 are residing by obtaining free patta. However, it is the case of the petitioner that the suit property is S.No.154/2 and not in S.No.154/1 and hence, the petitioner has filed the present application for appointment of an Advocate Commissioner to inspect the suit property along with a surveyor. However, the trial Court, without considering the aforesaid facts, has passed the impugned order, which is *per se* illegal and warrants interference of this Court.



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5.Mr.M.Ponniah, learned Counsel for the respondents 4 and 5 submitted that the petitioner himself has admitted that the property in S.No.154/2 does not belong to the petitioner and as there is no dispute about the identification of the property in view of the classification of the property the petition filed by the petitioner is not maintainable. He also submitted that the trial Court, after considering the entire facts and materials available on record, has rightly passed the impugned order, which does not warrant interference of this Court.

6.This Court considered the submissions made on either side and perused the materials available on record.

7.From the perusal of the records as well as the impugned order, this Court is of the view of the that the contentions raised by the petitioner can be examined by marking relevant documents and with regard to the boundaries, the same should be unearthed during cross examination and the petitioner can very well avail the same. Filing a petition to appoint an Advocate Commissioner is only a futile exercise and the documents relied upon by the petitioner are after filing of the suit. By considering all these facts, the Court



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below has rightly dismissed the application filed by the petitioner, which does not warrant interference of this Court.

8.In the result, the Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

18.02.2026

Internet :Yes/No
NCC :Yes/No
Index :Yes/No
cmr

To

1.The IV Additional District Judge, Madurai.

2.The District Collector,
Madurai District,
Collectorate Office, Madurai.

3.The District Revenue Officer,
Madurai District, Madurai – 20.

4.The Tahsildar,
Madurai East Taluk,
Othakadai, Madurai District.



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N.SENTHILKUMAR, J.

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