

**IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.**

**PRESENT: Tmt.K.S.Shabeena, B.A., B.L.  
Subordinate Judge, Sathyamangalam.**

Tuesday, the 17<sup>th</sup> day of June 2025  
(2056 Thiruvalluvarandu Visuvavasu varudam Aani Thingal 03<sup>rd</sup> day)

**I.A.No.3/2022 in**

**O.S.No.231 of 2022**

1. D.Sarasammal  
2. D.Mayilsamy

... Petitioners/Plaintiffs

Vs

M.Natarasan

... Respondent/Defendant

This petition was came up for final hearing before me on 17.06.2025 in the presence of Thiru.G.G.Sivaraju, Advocate for the Petitioners and for Thiru.S.P.Gobinath, Advocate for the Respondent and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

**ORDER**

The petitioner had filed this petition under order 26 rule 9 to pass an order to appoint a Hon'ble Court commissioner in order to assist the Taluk Surveyor to measure and to fix the boundary line in the petition mentioned suit properties and to demark four side boundaries with a direction to file his detailed report and plan.

## **2. The averments of the petition in brief:**

The petitioner is the 2<sup>nd</sup> Plaintiff in this suit. The petitioner has filed a case against the respondents to survey measurement, declaration and permanent injunction. The suit properties situated at Dhoddagajanur Village, Thalavadi Taluk in SF.No.539 New SF.No.331/1 & Old SF.No.245 and patta No.193 and all survey numbers totaling extent of Punja Acre 2.67. The suit properties more fully described in the schedule are originally belonged to us and they derived the titles item no.1 based on the sale deed in vide document no.700/1996 dated 23.10.1996 for proper valid consideration, stands in the name of no.1 of us and settlement deeds in vide document no.314/2021 dated 02.03.2021 & 876/2022 dated 30.05.2022 respectively, stands in favour of they no.2 of us. The partition deed in vide document no.33/1974 dated 20.01.1974 stands in favour of the ancestor ie., husband and father of us and the father of the respondent/defendant and from the date of the said partition deed and recitals of the same petitioners and our family members are in adequate continuous physical possession and enjoyment in the suit properties according to their shares and their respective fields and the joint patta no 193 issued by the Revenue Department, under Government of Tamilnadu. The respondent/defendant with the instigation of his close relatives, he has been threatening to prevent and obstruct us and thereby encroached and tress passed in to the suit properties of us. The petitioners perfected title by the said deeds for valid considerations and this is the only remedy available to us. Even no doubt the right to approach is not only a civil right, but it is a constitutional right. The Hon'ble Court may kindly be considered prima facie case

I.A.3/2022 In OS.231/2022                      Sub court, Sathy                      2 of 6

and balance of convenience in favour of us and the petitioners are entitled for declaration of title and permanent injunction and thereby restraining the respondent and his men from interfering and trying to dispossessing from the suit properties. The commissioner report and plan will be helpful to this Hon'ble Court to arrive at a fair and reasonable conclusion. Otherwise, the petitioner will be put to irreparable loss and hardship.

3. The no counter endorsement has been provided by the respondent.

#### **4. Points For Consideration:**

1. Whether the petition is allowed or not?:

#### **5. Evidences:**

In this petition, there is no oral or documentary evidence on either side. Both the counsels appearing for the petitioners as well as the respondents have agitated the matter and dealt with the points at length. In the light of the above, this court shall now proceed to discuss the points.

#### **6. Points:**

6.1. Both side heard. This Court had cautiously scrutinized the petition, affidavit filed by the petitioner, and the documents marked before this court.

6.2. The dispute between the parties to the identification, measurement, and boundary demarcation of the suit property situated at Dhoddagajanur Village, Thalavadi Taluk.

**6.3.** The plaintiff has alleged the respondent with the instigation of his close relatives, he has been threatening to prevent and obstruct us and thereby encroached and trespassed in to the petition properties of us and now respondent is making hectic attempts to encroached upon over there and obstruct us and to grab the same for illegal gains, with dishonest intention, and has sought a local investigation to be conducted through a qualified Surveyor to identify and demarcate the boundaries of the property as per the title documents and revenue records.

**6.4.** The respondent/defendant has been heard and has no serious objection.

**6.5.** This court is satisfied that a local investigation is necessary to ascertain the identify, extent, and correct boundaries of the suit property for proper adjudication of the matter.

**7. 1. In the result, this petition is allowed.**

2. Thiru.Murugesan Advocate is appointed as Advocate Commissioner.

3. The Commissioner shall be assisted by a qualified Surveyor, duly approved or recognized by the local revenue authorities, for the purpose of conducting an accurate demarcation of the suit property as per the title deeds, revenue records, and relevant documents provided by both parties.

4. The Commissioner shall:

i) Issue prior notice to both parties or their counsel regarding the date and time of the local investigation.

ii) Visit the property with the qualified Surveyor.

iii) Carryout physical inspection, measurements, and demarcation of boundaries with reference to survey numbers, adjoining properties, and available records.

iv) Prepare a plan with specific measurements and indicate any encroachment or overlapping of boundaries.

v) Record statements of parties present, if necessary.

vi) Take photographs, if required, to support the findings.

vii) Submit a detailed report along with the surveyors certified plan on or before 18.08.2025.

5. The remuneration of the Advocate Commissioner is fixed at Rs.10,000/- respectively, to be initially borne by the plaintiff, which shall be costs in the cause.

6. Both parties are directed to cooperate with the Commissioner and the Surveyor during the proceedings. Any obstruction or non-cooperation shall be dealt with in accordance with law.

7. Post the matter on 18.08.2025 for submission of the Commissioner's report.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 17<sup>th</sup> day of June 2025.

Subordinate Judge,  
Sathyamangalam.

<b>Petitioner's side witnesses:</b>	NIL
<b>Respondent's side Witnesses:</b>	NIL
<b>Petitioner side documents:-</b>	NIL
<b>Respondent's side documents:-</b>	NIL

Subordinate Judge,  
Sathyamangalam.