

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI
KRISHNAGIRI DISTRICT**

**Present : Thiru. G. Amar Anand, B.A.LL.B (Hons), LL.M.
District Munsif, Uthangarai**

On this Monday the 21st day of April 2025

I.A.No. 02 of 2022 in O.S.No. 95 of 2022

TNKI13-000115-2022

Sivaraj

...Petitioner / Plaintiff

/versus/

1. Jayaraman
2. Sub-Registrar, Uthangarai
3. District Collector, Krishnagiri

...Respondents / Defendants

This interlocutory application came up before this Court on 21.04.2025 for final hearing in the presence of advocate Thiru. N. Devendiran, the learned counsel for the petitioner and advocate Thiru. M. Madheswaran, the learned counsel for the 1st respondent & later set *ex parte* for non-filing of counter and the 2nd & 3rd respondent set *ex parte* for non-appearance and upon hearing petitioner side and on perusal of records and having stood over for consideration till date, this Court delivers the following:

ORDER

The application has been filed under Order XXVI Rule 9 of the Code of Civil Procedure, 1908 for appointing of commissioner to inspect and measure the the suit property and note down its physical features with the aid of the Village Administrative Officer and a qualified surveyor.

1. This Court, by its order dated 21.09.2023, appointed advocate Thiru. Naveen as the commissioner to inspect and measure the suit property. The commissioner has filed memo stating that the commissioner has issued notice for inspection of the suit property on 09.03.2024 and that the concerned Village Administrative Officer along

with surveyor received the same and stated that there are no revenue records for the suit property and that the suit property could not be surveyed. For better appreciation, the memo is extracted herein under:

“மேற்படி இடைமனு 2/2022-ல் கனம் நீதிமன்றத்தாரின் உத்தரவின்படி நீதிமன்ற ஆணையராக நியமிக்கப்பட்டு கடந்த 09.03.2024 தேதியில் மனு சொத்தினை அளவீடு செய்ய எதிர்மனுதாரர்களுக்கு அறிவிப்பு அனுப்பிவிட்டு அதன்படி 09.03.2024 தேதியில் மனு சொத்தில் ஆஜரில் இருந்தபோது நில அளவையர் மற்றும் கிராம நிர்வாக அலுவலர் இருவரும் ஸ்தல அறிவிப்பில் கையொப்பமிட்டுவிட்டு, மனு சொத்தினை அளவீடு செய்வதற்கு வருவாய்த்துறை ஆவணங்கள் எதுவும் இல்லை என்றும் அதனால் அளவீடு செய்ய இயலாது என கூறிவிட்டனர். அதனால் கனம் நீதிமன்றத்தாரின் ஆணைக்கிணங்க நீதிமன்ற ஆணையரால் மனு சொத்தினை அளவீடு செய்ய இயலவில்லை.

எனவே கனம் நீதிமன்றத்தார் அவர்கள் இம்மெமோவினை ஏற்று தகுந்த உத்தரவிட வேண்டுமாய் வணக்கமுடன் பிரார்த்திக்கின்றேன்.”

2. The above would show that there are no revenue records with respect to the suit property and a survey for the purpose of measurements cannot be carried out without FMB for the suit property. Further, the petitioners have not filed any FMB for the suit property which also clearly shows lack of revenue records. It is clear from the pleadings of the petitioner that the suit property was originally a Government property and the same had been allotted to the petitioner under Natham Settlement Scheme. This Court called upon the petitioner to clarify on the same and provide alternatives for measuring the suit property and no such input was rendered by the petitioner. Hence, this Court is of considered view effective survey cannot be carried out without any revenue records to that effect. Hence, this Court is inclined to record the memo of the commissioner and is inclined to close this application.

Result:

3. *As a result, this application is closed.*

This order was dictated to the steno-typist and transcribed by her on computer and after rectification of mistakes, pronounced by me in open court on this 21st day of April 2025.

District Munsif
Uthangarai

Annexure

Petitioner side evidence

Petitioner side Witnesses: Nil

Petitioner side Exhibits: Nil

Respondent side evidence

Respondent side Witnesses: Nil

Respondent side Exhibits: Nil

Court Documents: Nil

District Munsif
Uthangarai