



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2652 of 2026
and CMP.No.11212 of 2026**

1. V.Siddharthan
S/o. N.Vijayakumaran, No. 137, 2nd
Street, Krishna Nagar, Marutham
Heritage Plot Back Side,
Varadharajapuram, Mudichur,
Chengalpattu District-48.

Petitioner(s)

Vs

1. S.Rajendran
S/o. Late Sadayan, Res. at No.D-2,
Railway Police Quarters, Salem
Railway Junction, Salem District-05.

2.R.Sathriyan (Minor)
S/o. S.Rajendran, Res. at No.D-2,
Railway Police Quarters, Salem
Railway Junction, Salem District-05.
Rep. by thier father and natural
guardian 1st respondent.

3.R.Kumaran (Minor)
S/o. S.Rajendran, Res. at No.D-2,
Railway Police Quarters, Salem
Railway Junction, Salem District-05.
Rep. by thier father and natural
guardian 1st respondent.

Respondent(s)

PRAYER

Civil Revision petition is filed under Article 227 of Constitution of India, prays to allow this CRP by setting aside the fair and decretal order dated 24.03.2026 passed in IA No. 5 of 2025 in OS No. 17 of 2024 on the file of the District Munsif cum Judicial Magistrate, Yercaud.



For Petitioner(s): Mr.M.Santhanaraman

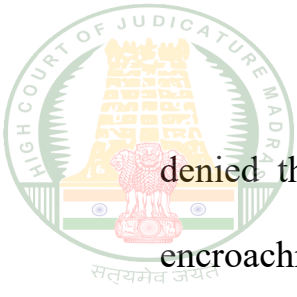
For Respondent(s):

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ORDER

Before the trial Court, the defendant filed I.A. No.5 of 2025 in OS No. 17 of 2024 on the file of the District Munsif cum Judicial Magistrate, Yercaud, seeking appointment of an Advocate Commissioner in order to prove that they had not committed any encroachment. However, the Court below failed to appoint an Advocate Commissioner to note down the physical features of the property for the purpose of establishing that they had neither encroached upon the property nor caused any damage. Without affording such an opportunity, the application was erroneously dismissed. Aggrieved by the same, the present revision has been filed.

2. The learned counsel for the revision petitioner submitted that the respondents/plaintiffs, by filing the suit, made false allegations against the revision petitioner/defendant as though they had encroached upon a portion of the property and caused damages. In order to disprove the same, the defendant sought appointment of an Advocate Commissioner to note down the physical features of the property. So far, the trial has not commenced. Considering the relief sought in the suit, namely removal of the iron fence allegedly put up by the defendant in the suit property, the dispute relates to the alleged encroachment and erection of concrete stones. The defendant has specifically



denied the allegations and contended that they have neither committed any encroachment nor caused any damage.

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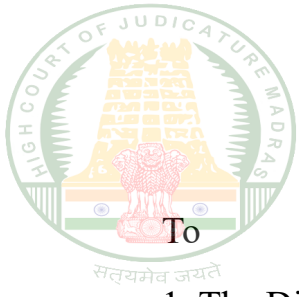
3. In order to establish the same, noting down the physical features of the property through an Advocate Commissioner would assist the Court. Therefore, an opportunity ought to have been granted to the defendant. However, the Court below failed to do so. Hence, the findings of the trial Court are set aside and the I.A. No.5 of 2025 in OS No. 17 of 2024, on the file of the District Munsif cum Judicial Magistrate, Yercaud, is ordered to be allowed.

4. Accordingly, an Advocate Commissioner is appointed to note down the physical features of the property at the cost of the defendant, after issuing notice to both parties. The Commissioner is directed to inspect the property and submit a report before the trial Court.

5. In view of the above, this Civil Revision petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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1. The District Munsif cum Judicial
Magistrate, Yercaud.

2. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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