



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Sixth day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN

CRP (MD) No.1018 of 2015

E.M.G.S.POTHI GOPALAKRISHNAN

... PETITIONER

Vs

1 ARULMIGHU MEENAKSHI
SUNDARESWARAR DEVASTHANAM, MADURAI, THROUGH
ITS EXECUTIVE OFFICER, E.M.G. SOUNDARARAJAN
(LATE), DOOR NO.20, SOUTH VELI STREET,
MADURAI TOWN.

2 E.M.G.S. INDIRANI
W/O. E.M.G.SOUNDARARAJAN, 25F, GOKHALE ROAD,
CHINNA CHOKKIKULAM, MADURAI - 625 002.

3 E.M.G.S.POTHIRAJAN
S/O. LATE E.M.G.SOUNDARARAJAN, 25F, GOKHALE
ROAD, CHINNA CHOKKIKULAM, MADURAI - 625 002.

4 E.M.G.S. ARUN POTHIRAJ
S/O. LATE E.M.G.SOUNDARARAJAN, 25F, GOKHALE
ROAD, CHINNA CHOKKIKULAM, MADURAI - 625 002.

5 S.RAJESWARI
W/O. LATE E.M.G.SOUNDARARAJAN, 25F, GOKHALE
ROAD, CHINNA CHOKKIKULAM, MADURAI - 625 002.

6 E.M.G.S.GOPALAKRISHNAN PANDIAN
S/O. LATE E.M.G.SOUNDARAJAN, GOKULAM ILLAM,
DRO COLONY, K.PUDUR, MADURAI.

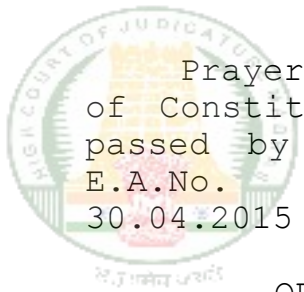
7 E.M.G.S. RATHAKRISHNAPANDIAN
S/O. LATE E.M.G.SOUNDARAJAN, GOKULAM ILLAM,
DRO COLONY, K.PUDUR, MADURAI.

8 E.M.G.S. MUTHUMEENAKSHI
S/O. LATE E.M.G.SOUNDARAJAN, GOKULAM ILLAM,
DRO COLONY, K.PUDUR, MADURAI.

9 M.RAVISHANKAR
S/O. N.O.MUTHU, 12/4A, SASTRI NAGAR 1ST STREET, MADURAI.

10 M.MURALISANKAR
S/O. N.O.MUTHU, 12/4A, SASTRI NAGAR 1ST STREET, MADURAI.

... RESPONDENTS



Prayer in Civil Revision Petition is filed under Section 227 of Constitution of India, To set aside the petition and order passed by the 1st Additional Sub Court, Madurai in Unnumbered E.A.No. of 2015 in E.P.No.77/2006 in O.S.No.123/1970 on 30.04.2015 and allow this Civil Revision Petition

ORDER : This petition is posted today, perusant to the memo submitted by the Advocate Commissioner appointed by this Court, and upon perusing the memo filed by the Advocate Commissioner viz., MR. R. VIJAYAKUMAR, AND in the presence of MR. G. PRABHU RAJADURAI, Advocate for the petitioner and of MR. S. Manoharan, Advocate for the first Respondent the court made the following order:

This matter is posted today, pursuant to the memo submitted by the Advocate Commissioners appointed by this Court, by order dated 08 June, 2015, in C.R.P.(NPD) (MD) No.1018 of 2015.

2. The Advocate Commissioners inspected the property housing Meenakshi Theatre with the help of Executive Engineer and Assistant Engineer, Public Works Department and their subordinates.

3. The Advocate Commissioners, in their memo, submitted that the learned counsel for the fourth respondent, opposed the inspection of the property known as 'Meenakshi Paradise Theatre'.

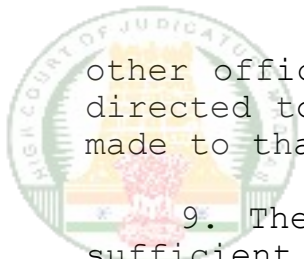
4. The Advocate Commissioners wanted specific orders from this Court to take the assistance of Village Administrative Officer, Madurai West, Town Surveyor, Corporation of Madurai and to engage photographers and videographers for the purpose of photographing and videographing the process of inspection. The Advocate Commissioners also wanted police assistance to complete the work entrusted to them, by order dated 08 June, 2015.

5. The joint memo filed before this Court in R.C.M.P.No.3891 of 1986 in Appeal No.209 of 1979, contains the detail of the property. Both Meenakshi Talkies and Meenakshi Paradise are included in the said joint memo, pursuant to which, this Court permitted the first respondent to take possession, by order dated 04 December, 2014, in C.R.P.(PD) (MD) Nos.987 to 989 of 2010. Since Meenakshi Paradise is also included as an item of property in R.C.M.P.No.3891 of 1986, necessarily, the Advocate Commissioners should be permitted to measure and value the said property.

6. The Advocate Commissioners are permitted to measure the entire property, which is the subject matter of the proceedings in R.C.M.P.No.3891 of 1986 in Appeal No.209 of 1979 and the subsequent order in C.R.P.(PD) (MD) Nos.987 to 989 of 2010.

7. The parties and their counsel are hereby restrained from interfering with the process of valuation by the Advocate Commissioners, pursuant to the warrant issued by this Court.

8. The Advocate Commissioners are permitted to take the assistance of jurisdictional Tahsildar and Village Administrative Officer, Madurai West, Town Surveyor, Corporation of Madurai and



other officials for completing the work. The concerned officers are directed to assist the Advocate Commissioners, in case a request is made to that effect.

9. The Commissioner of Police, Madurai, is directed to depute sufficient police force, under the command of an officer not below the rank of Inspector of Police to assist and give security to the Advocate Commissioners to carry out the inspection and valuation of property.

10. The Advocate Commissioners are permitted to engage the services of photographers and videographers while conducting inspection.

11. The Executive Engineer and Assistant Engineer, Public Works Department and their subordinates are directed to assist the Advocate Commissioners to execute the warrant.

12. It is open to the Advocate Commissioners to take all necessary measures, which they consider it fit and necessary to execute the warrant without any specific orders from this Court. In short, the Advocate Commissioners are at liberty to take appropriate action including taking the assistance of officials or authorities to complete the work entrusted to them.

13. The Executing Officer, Arulmighu Meenakshi Sundareswarar Devasthanam, is directed to depute higher officials of the Devasthanam including technical personnel to assist the Advocate Commissioners to complete the work without delay.

14. The Executive Officer, Arulmighu Meenakshi Sundareswarar Devasthanam, is further directed to bear the expenses payable to the Chartered Engineers, photographers and videographers, etc., and the same would be reimbursed to them subsequently, as indicated in the earlier orders passed by this Court.

15. In view of the voluminous of work undertaken by the Advocate Commissioners and taking into account the work to be undertaken by them, the Executive Officer, Arulmighu Meenakshi Sundareswarar Devasthanam, is directed to pay another sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the Advocate Commissioners as remuneration. The amount would be given as an interim measure and it is open to the Advocate Commissioners to file appropriate application before the Executing Court for additional remuneration.

16. The Advocate Commissioners are given time till 20 July, 2015, to complete the work. The Executing Court is directed to dispose of the Execution Petition on or before 31 July, 2015.

sd/-

06/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE FIRST ADDL SUBORDINATE JUDGE MADURAI.

2 THE DISTRICT COLLECTOR, MADURAI
TO DEPUTE THE TASILDAR AND VAO.

3 THE COMMISSIONER OF POLICE,
MADURAI (TO DEPUTE THE SUFFICIENT POLICE OFFICER)

4 THE COMMISSIONER MADURAI CORPORATION
MADURAI (TO DEPUTE THE TALUK SURVEYOR MADURAI CORPORATION)

5 THE EXECUTIVE ENGINEER PWD., MADURAI

6 THE EXECUTIVE ENGINEER
A/M, MEENAKSHI SUNDARESWARAR TEMPLE, MADURAI

7 MR. R. VIJAYAKUMAR, ADVO., COMMISSIONER,
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.

8 MR. SHARAM MADHAV, ADV., COMMISSIONER
NO 30 LAW CHAMBER
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.

DM 7 7 15

Order Date :06/07/2015

ORDER

CRP (MD) No.1018 of 2015

Giving Direction as stated within.

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