

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

C.R.P.(NPD) No.3810 of 2016

P.Sengodan

... Petitioner

Vs.

1.The Land Acquisition (Spl) Tahsildar,
Salem Karur Broad Gauge,
Railway Project, Salem - 1.

2.The Deputy Chief Engineer (Construction)
Salem Karur Broad Gauge,
Railway Project, Southern Railway.

3.S.Venkatesh

4.P.Palaniappan

5.S.Rajesh

6.Athayee Ammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Additional Subordinate Judge, Salem to number and take on file the un-numbered R.E.A.No. of 2015 in R.E.P.No.59 of 2012 in L.A.O.P.No.3 of 2007 dated 30.09.2016.

For Petitioner : Mr.J.Ramakrishnan

ORDER

Challenging the docket order passed by the Additional Subordinate Judge, Salem in un-numbered R.E.A.No. of 2015 in R.E.P.No.59 of 2012 in L.A.O.P.No.3 of 2007, the Decree Holder has filed the above Civil Revision Petition.

2.The revision petitioner filed an un-numbered application in R.E.P.No.59 of 2012 to re-open the Execution Petition in R.E.P.No.59 of 2012, which was closed on 05.02.2015. The Executing Court raised a query with regard to the maintainability of the application stating that once the earlier Execution Petition was closed, only a fresh Execution Petition is maintainable and the same cannot be re-opened.

3.On a perusal of the docket order passed by the Executing Court and the endorsement made by the counsel for the petitioner before the Executing Court, it is clear that the petitioner has not made any oral submission before the Executing Court with regard to the maintainability of the application.

4. In such circumstances, I am of the view that the petitioner can be given an opportunity to make his submission with regard to the maintainability of the application. Accordingly, I give liberty to the petitioner to make his submission with regard to the maintainability of the application within one week from the date of receipt of a copy of this order and the Executing Court is directed to decide the issue with regard to the maintainability of the application after hearing the learned counsel for the petitioner.

5. With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
va

02.12.2016

Note: (i) Issue order copy today itself.

(ii) Registry is directed to return the affidavit and petition in un-numbered R.E.A.No. of 2015 in R.E.P.No.59 of 2012 in L.A.O.P.No.3 of 2007 to the counsel for the petitioner.

To

1. The Additional Subordinate Judge, Salem

M.DURAIWAMY,J.
va

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