



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) Nos. 2340 and 2341 of 2017 (NPD)

In Both Petitions:

Vanjammal ... Petitioner/Petitioner/Decree Holder
in both cases

-Vs-

1.Periya Ramasamy
2.Vanjiappa Gounder
3.Ponnusamy
4.Vanjiappan
5.Palanisamy
6.The Tahsildar,
Oddanchatram Taluk, Dindigul District.

7.The District Collector,
Dindigul District. .. Respondents/Respondents/Judgment Debtor
in both cases

PRAYER in both petitions: Civil Revision Petitions are filed under Article 227 of Constitution of India to direct the District Munsif, Oddanchatram to dispose E.A.Nos.53 and 54 of 2016 in E.P.No.1 of 2016 in O.S.No.159 of 2012 within a time frame.

For Petitioner : Mr.D.Venkatesh
in both cases

C O M M O N O R D E R

These Civil Revision Petitions are filed seeking a direction to the learned District Munsif, Oddanchatram to dispose of E.A.Nos.53 and 54 of 2016 in E.P.No.1 of 2016 in O.S.No.159 of 2012 within a time frame.

2. Learned counsel for the petitioner would aver among other things that the suit in O.S.No.159 of 2012 was filed for declaration to declare right in 1/3rd share of the suit schedule properties; for permanent injunction restraining the respondents 1 to 5 herein from interfering with any access to use the pathway and for mandatory injunction directing the respondents 1 to 5 herein to remove the encroachment made in the pathway. The said



suit was decreed on 11.08.2015.

3. It is further averred that the petitioner has filed E.P.No.1 of 2016 before the District Munsif Court, Oddanchatram to remove the obstructions made by the respondents 1 and 2 herein in the suit schedule pathway. The respondents 1 and 2 have entered appearance in the executing proceedings and they mainly contended that they have filed A.S.No.55 of 2015 on the file of the Sub Court and the same is pending. Upon hearing both sides, the Execution Petition was allowed by the trial court on 30.09.2016 and for handing over the possession with the petitioner, it was adjourned to 10.11.2016.

4. On 20.11.2016, bailiff warrant was issued and the same was returned by the bailiff with a report dated 25.10.2016 seeking police protection and for the assistance of Advocate Commissioner who was appointed earlier for identifying the pathway. Subsequently, the petitioner has filed two applications in E.A.Nos.53 and 54 of 2016 seeking for police protection and to direct the Advocate Commissioner, who was appointed earlier to render assistance for identifying pathway and to use heavy vehicle such as JCB to remove the obstructions in the pathway respectively. The respondents 1 and 2 have filed their counter stating that since there was no untoward incident as alleged by the petitioner, there is no need to seek for police protection.

5. The petitioner submits that the decree was passed on 11.08.2015 and the Execution Petition was filed on 12.01.2016 and the bailiff warrant was issued on 20.10.2016 and due to the delaying tactics of the respondents 1 and 2 the petitioner is not able to execute the decree. The applications filed by the petitioner in E.A.Nos. 53 and 54 of 2016 are pending for the last one year and he prays for a direction for early disposal of the same.

6.. Heard the learned counsel for the petitioner and perused the materials available on record.

7. Since the Civil Revision Petitions are filed for early disposal of the Execution Applications, no notice is necessary to the respondents herein.

8. Considering the facts and circumstances of the case and considering the fact that the Execution Applications are pending from 2016, this Court feels that ends of justice would be met by directing the Court below to dispose of the Execution Applications within a time frame. Without adverting to the merits of the case, a direction is issued to the learned District Munsif, Oddanchatram to dispose of the Execution Petitions in E.A.Nos.53 and 54 of 2016 in E.P.No.1 of 2016 in O.S.No.159 of 2012 on merits and in accordance with law within a period of four weeks from the date of receipt of



a copy of this order.

9. With the above direction, this Civil Revision Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Munsif, Oddanchatram.

2. The District Collector,
Dindigul District.

3. The Tahsildar,
Oddanchatram Taluk, Dindigul District.

+ 2 ccs TO Mr.D.Venkatesh , Advocate in SR No. 91622,91623

CM

AE/SKN RSK/SAR4/08.01.2018/3P/6C

**C.R.P. (MD) Nos. 2340 and 2341 of 2017 (NPD)
07.12.2017**