

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 18.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. (PD) No.264 of 2021

B.K.Damodaran

...Petitioner

Vs

The District Collector,
Krishnagiri District,
Krishnagiri.

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Subordinate Judge, Hosur to expeditiously dispose of the R.E.P.No.46 of 2007 in L.A.O.P.No.171 of 1996.

For Petitioners : Mr.M.Devaraj

O R D E R

The limited prayer sought for in the present petition is to dispose of the R.E.P.No.46 of 2007, within the stipulated time.

2. The learned counsel for petitioner would submit that the Court below had failed to note the delaying tactics adopted by the respondent even after the property being attached by the order dated 29.02.2012. However, the same could not be effected on account of the objection and the reattachment, which was issued, was not able to be complied with on account of the lack of police protection. Though police aid was given, the same was not extended. Further, he would submit that initially from 2012 to 2017, the attachment could not be processed, since the police were on other duty. As such, the petitioner had filed W.P.No.11882 of 2018 and the respondent had deposited only 1,29,785/- and if any shortage in the payment of the decree amount, the same can be worked out in the pending execution proceedings. Based on the said deposit, the said amount was received pursuant to the order dated 19.11.2019. He would submit that the respondent had failed to deposit the due amount as per the decree passed. Further, there is still an outstanding amount of Rs.2,72,563/- payable as per the decree. Finally, he would state that the Court below had failed to appreciate the fact

that the respondents are deliberately delaying the execution process and the same is a clear abuse of process of law. Hence, the learned counsel for the petitioner prays to allow this petition.

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

4. On a perusal of the adjudication orders, it is seen that the Court below had adjourned this matter from time to time. Finally, this matter was adjourned to 18.12.2019 and there is not much progress thereafter. There is still an outstanding due of Rs.2,72,563/- payable as per the decree.

5. In view of the stage of the execution proceedings and also taking into account that the L.A.O.P.No.171 of 1996 was originally initiated in the year 1996, there shall be a direction to the learned Subordinate Judge, Hosur, to dispose of the petition in R.E.P.No.46 of 2007 in L.A.O.P.No.171 of 1996 within a period of two months from the date of receipt of copy of this order and the respondents are directed to deposit the remaining amount before the Court below.

6. Accordingly, the Civil Revision Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Subordinate Judge,
Hosur.

+1cc to Mr.M.Devaraj, Advocate SR.NO..9841

AKM/30.03.21/2P-3C/

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