



WEB COPY

CRP No.4797 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P. No.4797 of 2015

S.N.Chinnachenniappan

....

Petitioner

Vs

Ramasami @ Muniappan (Died)

Velumani (Died)

1. Murugesh

2. Ramesh

3. Chandira

....

Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order passed in E.P.No.39 of 2009 in O.S.No.62 of 2002 dated 22.01.2015 on the file of the District Munsif Court, Sathyamangalam by allowing the present Civil Revision Petition.

For Petitioner : Mr.MA.P.Thangavel

For R1 : Mr.B.Gopala Krishnan

For R2 & R3 : No appearance

ORDER



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This Civil Revision Petition has been filed against the fair and final order dated 22.01.2015 passed in E.P.No.39 of 2009 in O.S.No.62 of 2002 on the file of the District Munsif Court, Sathyamangalam, thereby allowing the execution petition filed by the petitioner.

2. The petitioner is the plaintiff. He filed a suit for recovery of possession and mandatory injunction to remove all the unlawful constructions made in the suit property. The said suit was decreed in favour of the petitioner. In pursuant to the Judgment and Decree passed in O.S.No.62 of 2002 dated 10.09.2007, the petitioner filed execution petition in E.P.No.39 of 2009 to remove the illegal constructions put up by the respondents in the suit property. However, the Court below ordered for civil imprisonment.

3. The learned counsel appearing for the petitioner would submit that instead of ordering removal of the construction put up by the respondents in the suit property, the Court below ordered for civil arrest.

4. The learned counsel appearing for the respondents would submit



that already part of the constructions were removed and yet to remove two pillars, which were put up by the respondents. He further submitted that now he could not get proper instruction whether the pillars removed or not.

5. Considering the above facts and circumstances of the case, the respondents are directed to remove the illegal constructions, whatever the construction put up in the suit property and hand over the possession of the same, within a period of two weeks from the date of receipt of a copy of this order.

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

08.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

The District Munsif,
Sathyamangalam.

G.K.ILANTHIRAIYAN,J.



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Lpp

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