



C.R.P(NPD)No.904 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(NPD)No.904 of 2022
& CMP.No.4614 of 2022

1.Vasantha
2.S.Geetha
3.T.Mahesh
4.T.Madhan
5.T.Vijayan

... Petitioners

Vs.

The Official Trustee of Tamilnadu,
Rep. by the Trust Estate of
Kadapakkam Charities,
Having its office at
Additional City Civil Court Buildings,
High Court Campus, Chennai 600 104.

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the common order dated 05/03/2022 made in E.A.No.1 of 2022 in E.P.No.1992 of 2008 on the file of X Asst. City Civil Court, Chennai.

For Petitioners	:	Mr.P.B.Ramanujam, Senior Counsel Asst. by Mr.K.N.Nataraj
For Respondent	:	Mr.T.R.Rajagopalan, Senior Counsel for M/s.P.Veena Suresh



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ORDER

This is a dispute between the tenant and a certain public charitable Trust under the management of AGOT of this Court. Hitherto they have resisted the very title of the Trust, and is faced with an inevitable delivery of possession pursuant to the decree of the Court in a long drawn litigation, the revision petitioner/tenant shows an olive branch to the respondent and concedes that he indeed is the tenant of the property.

2.This matter came before this Court on 31.03.2022 before another Judge of this Court (Hon'ble Ms.Justice P.T.Asha) and it is seen from the notes paper that the official trustee has made a statement before the Court that the possession of the property has been taken.

3.Heard, Mr.P.B.Ramanujam, learned Senior Counsel assisted by Mr.K.N.Nataraj for the revision petitioners and Mr.T.R.Rajagopalan, learned Senior Counsel for M/s.P.Veena Suresh, the learned counsel for the AGOT.



4.The learned counsel for the revision petitioners submitted that the property in occupation of the revision petitioners has been sealed without inventory of articles being taken. He has also filed a complaint on forceable delivery.

5.The learned for the respondent submitted that a report of the AGOT would be filed detailing how the scenario was when the delivery was taken.

6.So far as the allegation that there are articles available within the premises which is now taken custody of by the respondent is concerned, the Execution Court may appoint a Commission for the purpose and take inventory of articles, if at all there are any, and hand over the same to the revision petitioner. So far as the report which the learned Senior Counsel for AGOT proposes to submit, the same may be submitted before the Execution Court.

7.The learned Senior Counsel appearing for the revision petitioner opposes the same, stating that the mode of delivery itself is not constant with law.

8.Now the commission may still go and take inventory of the articles and the report the same before the Execution Court, if at all there are any articles. If



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the Revision Petitioner is not desirous to take the articles for the present, it is his choice.

9.The learned Senior Counsel appearing for the revision petitioners insisted that he has filed an application for redelivery before the Execution Court and that the tenor of this order may upset the strategy of the revision petitioner before the Execution Court.

10.Whether to order redelivery or not is an issue that is now taken up. This Court cannot forecast its outcome today. Hence, to conclude this Court finds that nothing survives for the present in this Revision. Accordingly, the Civil Revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

04.04.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking
Tsg/dk



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To
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The X Asst. City Civil Court,
Chennai.



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N.SESHASAYEE, J.,

Tsg/dk

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