



C.R.P(NPD).No.2956 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P(NPD).No.2956 of 2022
and C.M.P.Nos.15998 & 16001 of 2022

1. Settu
2. Venkatachalam

... Petitioners

VS

1. Selvan
2. Periyasamy
3. Chellammal
4. Palaniammal
5. Vaiyapuri
6. Muthammal
7. Kannupillai
8. Thangamani
9. Sakunthala
10. Govindaraj
11. Selvaraj

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order dated 27.04.2022 of the Learned Special Deputy Collector (Revenue Court), Tiruchirapalli in E.P.No.37 of 2021.

For Petitioners : M/s.Y.Kavitha



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Revenue Court dated 27.04.2022, directing the Revenue Inspector to enforce the order of eviction dated 17.12.2021.

2. A perusal of the impugned order would suggest that the eviction order passed against the revision petitioners dated 25.01.2021 was challenged by the petitioners in C.R.P(NPD).No.1819 of 2021 and the said revision petition is pending. The revision petitioners moved a stay application in C.M.P.No.14114 of 2021 in C.R.P.No.1819 of 2021 and this Court was pleased to grant interim stay on condition that the petitioners should deposit 50% of the arrears of rent before the Special Deputy Collector (Revenue Court), Tiruchirapalli within the time stipulated. The revision petitioners have failed to comply with the conditional order passed by this Court. Since the conditional order was not complied, the Revenue Court proceeded with the execution proceedings and passed the order for enforcement of eviction on 27.04.2022.

3. The learned counsel for the petitioners submitted that the petitioners



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are ready to deposit 50% of the arrears amount as ordered by this Court in

WEB C C.M.P.No.14114 of 2021 and hence, the impugned order for enforcement of

eviction may be set aside. It is always open to the petitioners to move an appropriate application in the pending C.R.P.No.1819 of 2021 seeking extension of time for payment. Having failed to capitalise the conditional stay order granted by this Court, the petitioners are not entitled to challenge the correctness of the enforcement order passed by the Revenue Court.

4. Hence, this Court does not find any infirmity or illegality in the order passed by this/the Court/ Revenue Court. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.09.2022

Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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S.SOUNTHAR, J.

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To

The Learned Special Deputy Collector (Revenue Court),
Tiruchirapalli.

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and C.M.P.Nos.15998 & 16001 of 2022

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