



CRP.NPD.No.2768/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP.NPD.No.2768/2021 & CMP.No.20167/2021

(Heard through Video Conferencing)

K.V.Lakshmipathy (Died)

1.K.V.Meera

2.Jayanthi

3.K.V.Saroja

4.N.N.Savithri

5.Ethiraj

... Petitioners

Vs

1.J.Senthamizh Selvi

N.Kasi Viswanathan (Died)

... Respondents

Prayer: Civil Revision Petition filed Article 227 of the Constitution of India to set aside the docket order dated 23.10.2021 made in E.P.No.7/2011 in O.S.No.6871/1990, passed by the Principal District Munsif Court, Thiruvallur.

For Petitioners : Mr.R.Prabhakaran



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ORDER

- (1) The challenge in this Revision is to the order passed during the course of execution proceedings in E.P.No.7/2011 where the decree holder seeks to execute the decree for permanent injunction by arresting and detaining the judgment debtors complaining that they have, in violation of the decree for permanent injunction, trespassed over the Suit property.
- (2) An objection was taken in the execution proceedings to the effect that larger extent of property has been acquired by the Chennai Metropolitan Development Authority [in short "CMDA"] and the CMDA has taken possession of the property and hence, the decree is in executable. This very question was considered by the Court in CMA.No.9/2019 and it was held that the acquisition of the larger extent by CMDA has no bearing on the present execution proceedings. The said order passed by the learned Additional District Judge, Thiruvallur, was confirmed by this Court in CRP.NPD.No.3237/2019. The very same question is sought to be re



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agitated in this revision.

(3) I had in fact called for the Report from the officials regarding possession of the property.

(4) The Member Secretary, Chennai Metropolitan Development Authority, has written to the Special Tahsildar stating that S.No.55/5 is outside the boundary of the Koyambedu Wholesale Market Complex. I therefore do not see any merit in the revision.

(5) In the result, the Civil Revision fails and it is accordingly **dismissed**.
No costs. Consequently, connected miscellaneous petition is closed.

25.01.2022

AP

Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking

To

The Principal District Munsif,
Thiruvallur.



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R.SUBRAMANIAN, J.

AP

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