



C.R.P.(NPD)Nos.699, 700, 701 & 702 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)Nos.699, 700, 701 & 702 of 2017
and CMP.Nos.3490, 3491, 3492 & 3493 of 2017

The Executive Engineer
Tamil Nadu Housing Board,
Villupuram.

.. Petitioner in all CRPs

vs

Santhana Lakshmi

... R1 in CRP.No.699 of 2017

Radha Ammal

... R1 in CRP.No.700 of 2017

A.Sheik kadhar Ali

... R1 in CRP.Nos.701 &
702 of 2017

The Special Tahsildar,
Tamil Nadu Housing Board,
Cuddalore.

... R2 in all CRPs

Prayer in CRP(NPD)No.699 of 2017: Petition filed under Article 227 of the Constitution of India against the order dated 09.10.2014 in E.P.No.53 of 2013 in L.A.O.P.No.5 of 2001 on the file of the Principal Sub Court, Villupuram.

Prayer in CRP(NPD)No.700 of 2017: Petition filed under Article 227 of the Constitution of India against the order dated 09.10.2014 in E.P.No.54



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of 2013 in L.A.O.P.No.16 of 2002 on the file of the Principal Sub Court, Villupuram.

Prayer in CRP(NPD)No.701 of 2017: Petition filed under Article 227 of the Constitution of India against the order dated 09.10.2014 in E.P.No.55 of 2013 in L.A.O.P.No.139 of 2002 on the file of the Principal Sub Court, Villupuram.

Prayer in CRP(NPD)No.702 of 2017: Petition filed under Article 227 of the Constitution of India against the order dated 09.10.2014 in E.P.No.56 of 2013 in L.A.O.P.No.18 of 2002 on the file of the Principal Sub Court, Villupuram.

(In all CRPs)

For Petitioner : Mr.C.Kalaichelvan

For Respondents : Mr.C.Munusamy (for R1)

Mr.B.Tamil Nidhi (for R2)

Additional Government Pleader (CS)

COMMON ORDER

These revisions challenge the order of attachment passed by the Executing Court on the ground that the decree in LAOP.Nos.5 of 2001, 16 of 2002, 139 of 2002 and 18 of 2002 on the file of the learned Subordinate Judge, Villupuram has not been satisfied by the judgment debtor namely, the Tamil Nadu Housing Board/Civil Revision Petitioner.

2.Mr.C.Kalaichelvan, learned Standing Counsel appearing for the Housing Board produced statement of accounts before me and he would



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urge that the Housing Board has paid an excess of what the claimants are actually entitled to. He would state that the matter had been referred to Lok Adalat and in the Lok Adalat, the claimants had agreed that amounts had been paid in excess. This is stoutly disputed by Mr.C.Munusamy. He would state that the matter of calculation should be only done at the time of execution and all that has been done in the present proceeding is that an order of attachment has been passed on the basis of the calculation given by the claimants.

3.In the light of the subsequent development of the claimants as well as the requisition body having gone before the Lok Adalat and having come to a conclusion on the calculation, no further orders setting aside the order of attachment need to be passed.

4.It is for the Housing Board to go before the Executing Court and demonstrate that it has paid the amount excess on the basis of its calculation. In case, the calculation is to the satisfaction of the Executing Court Judge, then nothing further need to be passed other than dismissing the Execution Petition as having been fully satisfied.

5.It is for the Housing Board to move an application before the Executing Court stating that the decree has been satisfied on the basis of the calculation produced here. The Executing Court may go into the



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calculation and decide if a decree has been satisfied. If it is satisfied that the decree has been fully paid up, then it shall pass appropriate orders in the E.P. I am not inclined to interfere because, these calculations have been given before me for the first time in the civil revision petitions.

6. With the above liberty granted to the Housing Board to approach the Executing Court by way of fresh calculation, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs

To

The Principal Sub Court,
Villupuram.



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V. LAKSHMINARAYANAN,J.

VS

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(2/2)