



W.P(MD)No.4139 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4139 of 2023

J.Jegadamani

... Petitioner

Vs.

1.The District Collector,
Office of Theni District,
Madurai Main Road,
Theni.

2.The Executive Officer,
Palanicheetipatty Town Panchayat,
Theni District.

3.The President,
Palanicheetipatty Town Panchayat,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 and 3 from in any way interfering with the discharge of the bailiff in executing the warrant issued by the learned District Munsif, Theni in E.P.No.14/2021 in O.S.No.84/2012 in taking delivery of the property bearing Survey No.1454/1A2 situated in Palanichettypatti, Veerapandi Village, Theni District and handing over the possession of the property to the petitioner.



W.P(MD)No.4139 of 2023

For Petitioner : Mr.C.Sundaravadivel

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1.
Mr.M.Prakash,
Addl. Government Pleader for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner is a decree holder. O.S.No.84 of 2012 on the file of District Munsif Court, Theni was decreed in favour of the writ petitioner. The petitioner filed E.P.No.14 of 2021 for enforcing the decree. The grievance of the petitioner is that the respondents 2 and 3 are causing obstruction at the time of effecting delivery. However, they have not filed any formal obstruction petition before the Executing Court. If the petitioner encounters any difficulty, the petitioner can very well move the Executing Court for appropriate relief. There is no need to file an independent writ petition for same cause of action. The petitioner is given liberty to file an E.A. before the Executing Court and seek the relief now sought for in the writ petition. The Executing Court is directed to number the E.A. and redress the concerns of the decree holder.



W.P(MD)No.4139 of 2023

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3. With this liberty to the writ petitioner and direction to the Executing Court, the writ petition is disposed of. No costs.

28.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1. The District Collector,
Office of Theni District,
Madurai Main Road,
Theni.
2. The Executive Officer,
Palanicheetipatty Town Panchayat,
Theni District.
3. The President,
Palanicheetipatty Town Panchayat,
Theni District.



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G.R.SWAMINATHAN, J.

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