



CRP NPD.No.19 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.19 of 2025 & CMP.No.152 of 2025

V.P.Ramasamy [died]

Karuppayammal [died]

1. Pavayammal

2. Thangamani @ Thangavel

. . . Petitioners

Versus

1. The Executive Officer,

Arulmighu Mariaman Thirukovil

Veerappanchatram, Erode – 638 004.

2. Arukkaniyammal

. . . Respondents

PRAYER : Petition filed under Section 115 of Code of Civil Procedure to set aside the Fair and Final Order passed in E.P.No.81 of 2005 in O.S.No.455 of 1992 on the file of the Principal District Munsif Court, Erode, dated 09.12.2024 and allow the Civil Revision Petition.

For petitioners : Mr.A.Sundara Vadhanan



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CRP NPD.No.19 of 2025

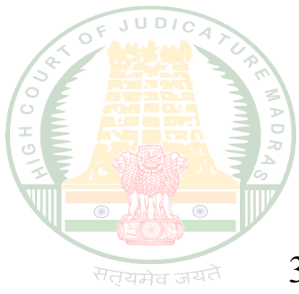
For respondents : Mr.Arun Anbumani
for Mr.M.Guruparasad – R1

Mr.D.Gopal, Advocate Commissioner

ORDER

Challenging the Order of the Execution Court Ordering demolition of the super structure to an extent of 50.5 sq.mtr. as per the report of the Advocate Commissioner, the Civil Revision Petition has been filed.

2. The suit in O.S.No.455 of 1992 has been filed for declaration and recovery of possession of 50.5 sq.mt. of the land which is said to have been encroached by the revision petitioners. The decree and judgment had reached its finality. In the Execution Proceedings, to identify the exact portion of the area which is under the occupation of the judgment debtors, an Advocate Commissioner has been appointed by the Executing Court and he has filed a report. Based on the report, the Order has been passed by the Execution Court. Challenging the same, the present revision petition has been filed.



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3. This Court has also appointed another Advocate Commissioner to inspect the property and he had also filed a report. At this stage, the revision petitioners had filed an affidavit before this Court stating that since to hand over 50.5 sq.mtrs. of land, the entire building constructed has to be demolished and for such demolition it will take some time. According to them, they will demolish within a period of 6 months and hand over 50.5 sq.mtrs. to the respondent temple. It is in fact stated in the affidavit that the Advocate Commissioner before the trial Court has also marked the portion. The affidavit clearly indicate that the report of the Advocate Commissioner before the trial Court has been admitted by the revision petitioners. Be that as it may.

4. Now the revision petitioners have filed an affidavit before this Court that they will hand over the 50.5 sq.mtrs. of land after demolition of the building within a period of 6 months. The affidavit filed by the revision petitioners is taken on record. Taking note of the long duration of the proceedings, the revision petitioners are directed to demolish the building on or before 31.10.2025 and thereafter, revision petitioners, in the presence of the Advocate Commissioner appointed by the trial Court, shall hand over vacant



CRP NPD.No.19 of 2025

WEB COPY

possession of 50.5 sq.mtrs. of land to the first respondent. Any violation of the undertaking given before this Court by way of an affidavit will invite contempt proceedings against the revision petitioners.

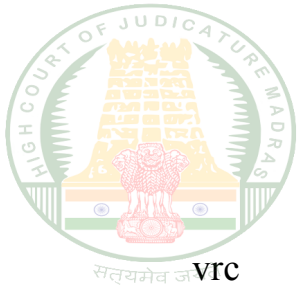
5. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed. The Advocate Commissioner appointed by this Court has filed a memo seeking additional remuneration of Rs.32,000/- and the said expenditure relate to the survey as instructed by the revision petitioners. It is also submitted that he is not seeking any additional remuneration. Considering the memo filed the Advocate Commissioner, the revision petitioners are directed to pay a sum of Rs.32,000/- [Rupees thirty two thousand only] to the advocate Commissioner appointed by this Court towards additional remuneration.

15.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order



CRP NPD.No.19 of 2025

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To,

The Principal District Munsif,
Erode.



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CRP NPD.No.19 of 2025

N. SATHISH KUMAR, J.

vrc

CRP NPD No.19 of 2025

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