



C.R.P.No.1497 of 2025 and
C.M.P.No.8783 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**C.R.P.No.1497 of 2025 and
C.M.P.No.8783 of 2025**

1. Sundara Vinayagar Temple,
Represented by devotees,
Sundara Vinayagar Koil Street,
Perambur, Chennai – 600 011.

2. K.Suresh
3. G.Manickam

...Petitioners

Vs.

1. R.Venkatesan
2. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai – 600 003.
3. The Assistant Commissioner,
Corporation of Chennai,
Ayanavaram Zone IV,
Chennai.
4. The Executive Engineer,



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Corporation of Chennai,
Zone IV Division No.53, Ayanavaram,
Chennai – 600 023.

5. The Assistant Engineer,
Corporation of Chennai,
Zone IV, Division No.53,
Chennai – 600 023.

6. Ulaganathan
7. Nagarajan

..Respondents

Prayer : This Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the order dated 17.02.2025 made in E.A.SR.No.14146 of 2025 in E.P.No.529 of 2020 in O.S.No.14551 of 2010 on the file of the XXVI Assistant City Civil Court, Chennai, and allow this Civil Revision Petition and to direct the XXVI Assistant City Civil Court, Chennai, to take the unnumbered E.A. on its file and to dispose of the same in accordance with law.

For Petitioners : Mr.J.Prakasam

For Respondents : Mr.Muralikrishna J for R1

Mr.E.C.Ramesh, Standing Counsel
for RR2 to 5



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Not ready in Notice – R6 and R7

ORDER

The petitioners are thirty party to the suit in O.S.No.14551 of 2010. The first respondent is the decree holder and the respondents 2 to 7 are the judgment debtors.

2 The first respondent, being a decree holder has filed E.P.No.529 of 2020 and the Execution Court vide its order dated 28.06.2023 allowed the execution petition by ordering demolition of illegal and unauthorised construction put up by 5th and 6th defendants therein under the name of Sundara Vinayagar Koil. Being aggrieved, the Temple/petitioners have filed a petition invoking Section 47 of CPC to declare the judgment and decree passed in O.S.No.14551 of 2010 is not executable and consequentially to dismiss the execution petition filed by the first respondent/decreed holder. The learned XXVI Assistant Judge, vide order dated 17.02.2025 dismissed the petition without even numbering the same as



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3 It is the contention of the learned counsel for the petitioners that the Temple is 100 years old and the Execution Court mechanically dismissed the petition filed by the petitioner under Section 47 CPC.

4 It is seen that the petitioners are a third party to the suit and invoking Section 47 CPC have filed a petition to declare the decree in the suit as not executable. The Execution Court has dismissed the petition as not maintainable, since Section 47 CPC can be invoked only by the parties to the suit. This Court does not find any reason to interfere with the order passed by the learned XXVI Assistant Judge, XXVI Assistant City Civil Court, Chennai, in E.A.No.SR14146 of 2025, dated 17.02.2025.

5 Accordingly, this Civil Revision Petition stands dismissed. Consequently connected miscellaneous petition is closed. No



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costs. However, the petitioners are liberty to workout their remedy in the manner known to law.

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Speaking Order/Non Speaking
Neutral Case Citation : Yes/No
cgi

To

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai – 600 003.
2. The Assistant Commissioner, Corporation of Chennai,
Ayanavaram Zone IV, Chennai.
3. The Executive Engineer, Corporation of Chennai,
Zone IV Division No.53, Ayanavaram, Chennai – 600 023.
4. The Assistant Engineer, Corporation of Chennai,
Zone IV, Division No.53, Chennai – 600 023.
5. The XXVI Assistant Judge, XXVI Assistant City Civil Court, Chennai i.



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P.VELMURUGAN, J.

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