



CRP.No.1613 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**Date : 08.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**CRP.No.1613 of 2025**

**and CMP.No.9326 of 2025**

The Director, SKIT  
National of Skill Development Entrepreneurship  
Chennai – 600 032

. . . Petitioner

**Versus**

1.V.Ezhilkarasu  
2.C.Jaganathan  
3.B.Sivakumar  
4.V.Sudakar  
5.M.Sundharam

6.The Executive Engineer, CPWD  
Rajaji Bhavan, Besant Nagar  
Chennai

7.The Tahsildar, Guindy Taluk  
Chennai – 600 032

. . . Respondents

**PRAYER :** Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order made in EP.No.3776/2021 in O.S.No.1355 of 2019 dated 05.03.2025 on the file of the X Assistant Judge, City Civil Court, Chennai.

For petitioner : Mr.AR.L.Sundaresan, ASG



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for Mr.S.Chandrasekaran  
For Respondents : Mr.D.Anand Raja for R1 to R5  
Mr.D.Gopal, Government Advocate  
for R6 & R7

## **ORDER**

The order in and by which the learned X Assistant Judge, City Civil Court, Chennai issued direction warrant as against the judgment debtors to remove compound wall blocking the pathway for access of general public to the place where ceremony is conducted in the land in S.Nos.111 & 112 in Block No.5, Industrial Estate, Guindy, Chennai – 600 032 is put in challenge before this Court by filing the present revision petition.

2. The suit has been originally filed as against the defendants for permanent injunction restraining the defendants from putting up construction or compound wall blocking the pathway and access to general public. The plaint indicates that the suit property belongs to the Corporation of Chennai which has been used as pathway and also the place has been used to conduct ceremony by the people residing in the vicinity. The suit was decreed exparte on 09.01.2020. It is relevant to note that the relief of permanent injunction is



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sought in the suit, whereas, now, execution has been levied as if there was violation of the decree of the permanent injunction and sought for demolishing the compound wall. The Executing Court vide impugned order dated 05.03.2025 had issued direction warrant as against the judgment debtors to remove compound wall blocking the pathway for access of general public. Challenging the said order, this revision has been filed.

3. Heard both sides and perused the materials placed on record.

4. It is relevant to note that though the suit was decreed exparte, admittedly, the property belongs to the Central Government, this aspect is not disputed. The document relied upon by the plaintiff is only with regard to some representation given by the second plaintiff and reply obtained through RTI. Any how, the suit has been decreed exparte. The decree and judgment dated 09.01.2020 passed by the Trial Court in view of this Court does not comply with the requirements as contemplated under Order XX Rules 4 & 5 of Code of Civil Procedure. Be that as it may, even assuming that the exparte decree is also binding on the parties, the exparte decree relates to permanent injunction,



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whereas, now, the execution petition has been levied to demolish the construction and the Executing Court, too, has ordered for demolition of the compound wall.

5. It is relevant to note that when concrete evidence has been placed to show that compound wall has been constructed violating the judgment and decree of the Trial Court, such order could be passed by the Executing Court. It is also to be noted that photographs filed before this Court clearly indicate that compound wall is constructed along with long back. Further, it is a common knowledge that any constructions/constructions of compound wall will be carried out by CPWD as far as the Central Government is concerned after getting prior sanctions from all the concerned authorities. Such view of the matter, merely on the basis of some applications, it cannot be presumed that there was a violation by the Government Department in putting the compound wall.

6. Further, no evidence is filed to show that when the compound wall was put up, whether after the suit or before the suit, whereas, the Executing Court without verifying the same has passed the order mechanically and such



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order ought not to have been passed by the Executing Court. In all fairness, the Executing Court ought to have verified the compound wall whether the compound wall was construction after the decree or before the decree. The decree is passed on 09.01.2020. Though there is no limitation to enforce the decree of permanent injunction, the fact remains that now, the petitioner had tried to convert the permanent injunction decree as to the mandatory injunction. As per Article 135 of the Schedule to the Limitation Act, limitation to enforce the decree granting a mandatory injunction is three years.

7. Such view of the matter, the order passed by the Executing Court cannot be sustained in the eye of law. At this stage, it is stated before this Court for setting aside the exparte decree, an application has been filed before the VI Additional City Civil Court, Chennai in I.A.Nos.3 and 4 of 2023 in O.S.No.1355 of 2019. The VI Judge, VI Additional City Civil Court, Chennai is directed to dispose of the application after giving opportunity to the defendants and pass appropriate order(s) on merits.

8. Accordingly, this revision stands allowed. No costs. Consequently,



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connected miscellaneous petition stands closed.

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**08.07.2025**

Index : Yes / No

Internet: Yes

Speaking/non speaking order

dhk

To,

1. The X Assistant Judge  
X Assistant City Civil Court, Chennai

2. The VI Judge,  
VI Additional City Civil Court, Chennai

3. The Section Officer  
VR Section, Madras High Court



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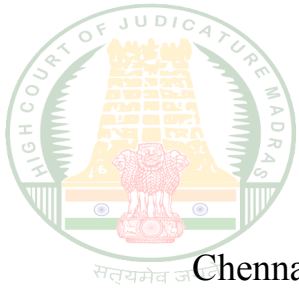
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WEB COPY **N.SATHISH KUMAR, J.**

This Civil Revision Petition has been posted today under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submitted that in the Order of this Court in Civil Revision Petition in CRP.No.1613 of 2025 dated 08.07.2025 instead of XVI Assistant Judge, City Civil Court, Chennai it is mentioned as VI Additional Judge.

3. Considering the submission of the learned counsel appearing for the petitioner, in the Order in CRP.No.1613 of 2025 dated 08.07.2025 in para No.7, in fourth line instead of VI Additional City Civil Court Chennai and in fifth line VI Judge, VI Additional City Court Court Chennai, it shall be read as XVI Assistant Judge, City Civil Court,



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Chennai in fourth and fifth line of the Order. The registry is directed to carry out necessary corrections and issue fresh Order copy to the parties concerned.

**10.07.2025**

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**N. SATHISH KUMAR, J.**

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