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C.R.P.No.4170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**C.R.P.No.4170 of 2025
and CMP.No.21441 of 2025**

M.S.Srinivasulu

...Petitioner

Vs.

B.Velu

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed by the learned IV Additional District Judge, Thiruvallur at Ponneri in E.P.No.121 of 2023 in RLTOP.No.24 of 2021, dated 08.08.2025 and to restore above said Execution Petition.

For Petitioner : Mr.M.Shankarnath

For Respondent : Mr.E.Prabu

ORDER



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The petitioner / landlord aggrieved by the dismissal of E.P.No.121 of 2023 by an order dated 08.08.2025 is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the petitioner / landlord would invite my attention to the impugned order passed by the learned IV Additional District Judge, Tiruvallur at Ponneri dismissing the EP, giving liberty to take out a fresh EP subsequent to disposal of RLTA.No.17 of 2023 and states that when there was no order of interim stay granted by the Rent Tribunal, the Execution Court ought not to have dismissed the Execution Petition. He would also state that now taking advantage of the liberty granted by the Execution Court, the respondent / tenant has taken out an application to raise the order of attachment. He would contend that serious prejudice would be caused to the petitioner / landlord, if the order of dismissal of the EP is not set aside.

4. Per Contra the learned counsel for the respondent / tenant would state that the possession of the tenanted premises which was a shop, was



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already been taken over during acquisition by the Highways Department and after the acquisition, the petitioner / landlord has re-constructed the building and is in possession and it is only under these circumstances, the EP was filed only for attachment of the immovable property of the respondent / tenant, in order to recover the alleged arrears of rent/compensation, even post possession being taken over from the respondent / tenant. He would therefore state that the issues are at large before the Rent Tribunal and therefore rightly the Executing Court has dismissed the EP, fully protecting the interest of the petitioner / landlord, by giving liberty to file a fresh EP subsequent to disposal of RLTA. He would also state that what has been taken out pursuant to dismissal of EP is only an application to communicate the order raising attachment and not steps to raise attachment as ordered in the order dated 08.08.2025.

5. In the light of the above, considering the fact that possession has already been taken over by the petitioner / landlord and what remains is only entitlement to recover the arrears of rent / compensation in terms of Sections 23 and 25, I am inclined to dispose of the Revision Petition in the manner following:



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(i) The order dated 08.08.2025 dismissing the EP alone is set aside. The EP shall be proceeded with, subject to final orders in RLTA.No.17 of 2023

(ii) The Rent Tribunal, namely II Additional District and Session Judge, Poonamallee shall dispose of RLTA.No.17 of 2023 within a period of 12 weeks from today. This order setting aside the dismissal of EP shall not come in the way of the petitioner / landlord prosecuting his application to communicate the order for raising attachment.

6. This Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

02.09.2025

Index : No
Internet : Yes
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To

1. The learned IV Additional District Judge, Thiruvallur, Ponneri.
2. The learned II Additional District and Session Judge, Poonamallee.

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P.B.BALAJI.J,

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