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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1133 of 2025

M/s.P & C Projects (P) Limited,
Represented by its Authorized Signatory
Mr.M.A.Syed Sirajudeen
(Formerly Known as P & C Constructions Pvt Ltd.)
...Petitioner/Decree Holder

Vs

The Government of Tamil Nadu,
Madurai Municipal Corporation,
Represented by the Commissioner,
Annamaligai, Alagar Kovil Road,
Tallakulam, Madurai - 625 002.

....Respondent/Judgment Debtor

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the returned docket order dated 04.04.2024 in unnumbered E.P.(Filing) No.722 of 2024 on the file of the Principal District Court, Madurai, and to number the Execution Petition in unnumbered E.P.(Filling) No.722 of 2024, and dispose of the same within a reasonable time frame as stipulated by this Court.

For Petitioner : Mr.P.J.Rishikesh

For Respondent : M/s.S.Devasena
Standing Counsel

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ORDER

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The decree holder in an Arbitration Award has filed the present revision petition challenging the order of return passed by the Principal District Court, Madurai, returning E.P.Filing No.722 of 2024.

2.A perusal of the records reveal that the revision petitioner herein has obtained Arbitration Award as against the respondent, namely, Madurai Municipal Corporation and the award was passed on 12.10.2022. In order to execute the said award, the petitioner's Company has laid the above said execution proceedings. The Principal District Court, Madurai, has returned the execution proceedings by an order dated 04.04.2024, with an observation that E.P. is not entertainable, since the property is a Government property. Challenging the said order, the present revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, the property of the Government does not fall within the proviso to Section 60 of C.P.C. Therefore, there cannot be any discrimination between a Private judgment debtor and a Government/Public body judgment debtor with regard to attachment of the properties. He has also relied upon Order 21 Rule 54 of C.P.C. and pointed out that no such distinction has been carved out in the said provision.



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4.This Court is of the considered opinion that since the Civil Procedure Code does not discriminate between a Private judgment debtor and a Government/Public body judgment debtor with regard to attachment of the property in execution of a decree, such an issue cannot be raised by the executing Court. The impugned order of return passed by the learned Principal District Court, Madurai, dated 04.04.2024, is hereby set aside and the executing Court is directed to number the E.P., if it is otherwise in order.

5.With the above said deliberations, this Civil Revision Petition stands allowed to the extent as stated above. No costs.

21.04.2025

Internet:Yes/No

Index:Yes/No

RJR

Note: The Registry is directed to return the original impugned order after getting due acknowledgment from the learned Counsel appearing for the petitioner



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R.VIJAYAKUMAR, J.

RJR

To

The learned Principal District Judge,
Madurai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.1133 of 2025

21.04.2025