

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

Present: **Thiru. M. Senthil Kumar, B.A., B.L.,**

District Munsif, Eraniel.

Tuesday the 21st day of September 2021

E.P.No.9/2018

IN

O.S.No.173/2006

Mrs. Rajeswari

..... Petitioner / Decree Holder

Vs.

1. The State of Tamil Nadu,
Rep. by the District Collector,
Nagercoil.

2. The Tahsildar,
Kalkulam Taluk,
Padmanabhapuram. Respondents / Judgment Debtors

Sri. Adv. Mr. P. Brightwin Xavier, For the Petitioner / Decree Holder

Sri. Adv. Government Pleader, For the Respondents / Judgment Debtors

This petition is coming before me for final hearing on 15.09.2021 and upon hearing the arguments on both side and having stood over for consideration till this day, this court delivered the following order :

ORDER

1. The execution petition have been filed by the petitioner for enforcement of the decree in accordings with the terms of the decree that a land comprising 57 cents in S.F.No.291/7 Aloor Village, Kalkulam Taluk. A patta in this regard to be issued in the name of the decree holder Shri. Rajeshwari. Though the district Collector, Kanyakumari District and the Tahsildar, Kalkulam Taluk were served with the notice failed to appear and were set-exparte in the execution application.

2. Meanwhile as a matter was pending before the Hon'ble High Court at Judicature at Madras, Madurai Bench. This court had kept the matter in abeyance for the out come of the order from the Hon'ble High Court. Now that orders have been pronounced by the Hon'ble High Court this court with this inherent powers directed the District Collector, Kanyakumari District to appear before the court for ascertaining certain material facts purporting to the transfer of patta in the name of the decree holder.

3. The learned government pleader in previous hearing informed this court that since the decial property extend is more than 10 cents of land. The transfer proceedings and it's power lies exclusively with the government and the commissioner of land administration. In addition to that even for the implementation of the decree it requires separate proceedings and the government has to pass a separate G.O. in this regard.

4. Present the learned Deputy Collector Sri. R. Nagarajan appearing on behalf of the District Collector, Kanyakumari District informed this court that civic polls to certain area in Kanyakumari District has been announced. The District Collector being the District Election officer has been held upon to pursue with the election proceedings as the election announced itself is as per the directions of the Hon'ble Supreme Court of India. The adjournment application has been duly sworned and filed by the seeking for adjournment by the Tahsildar, Kalkulam Taluk who is present in court today and she prays for adjournment of the proceedings.

5. This court after going to the adjournment application is satisfied with explanation given by the Deputy Collector, Kanyakumari District. This court of the considered opinion that enforcing the decree as per the terms of the decree in O.S.No.173/2006 requires certain government administrative procedural formality to be complied which according to the

government requires certain time as the elections have been announced for civic bodies. Taking into consideration of the present situation this court of the considered opinion that for a appropriate implementation. Rather satisfying the decree 7 weeks times can be granted to the government to inform this court regarding the proceedings for the satisfaction of the decree.

6. Matter adjourned to 02.11.2011.

Dictated to the Steno-typist, transcribed by her, corrected and pronounced by me in open court this the 21st day of September 2021.

Sd/-
District Munsif ,
Eraniel.

Draft/Fair Order

E.P.No.9/2018

And

O.S.No.173/2006

D.M., Eraniel.

Dated : 21.09.2021.