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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.07.2023

Delivered on : 18.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1584 of 2023

and

C.M.P(MD)No.7755 of 2023

Thiru.T.Balakrishnan

... Revision Petitioner/
Respondent/

Vs.

1.C.Pazhaniyammal
2.C.Duraiyaran
3.C.Shanthi
4.C.Sundaravadivel
5.C.Baby latha
6.C.Umamaheswari
7.C.Mahalakshmi
8.C.Karunamoorthy
Suresh Kannan

... Respondents/Petitioners/

Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to call for the records relating to the order dated 22.11.2022 in P.No.9 of 022 on the file of the Special Deputy Collector, Revenue Court, Thanjavur and set aside the same.

For Petitioners
For R4
For R2 & R8

:Mr.A.Sivasubramanian
:Mr.P.Bethanasamy
:Mr.M.P.Senthil

**ORDER**

This civil revision petition is filed against the order dated 22.11.2022 passed in P.No.9 of 022 by the Special Deputy Collector, Revenue Court, Thanjavur.

2.According to the revision petitioner, who is a respondent in P.No.9 of 2022, the Revenue Court, Tanjore District, without any proper evidence, has come to the conclusion that the revision petitioner has not paid the rent for the last three fasli years and erroneously fixed the amount of Rs.94,284/-. Further, the Revenue Court failed to appreciate that the respondents have claimed to deposit arrears of rent, which has become time barred.

3.The case of the revision petitioner/tenant is that a petition in P.No.9 of 2022 was filed before the Deputy Collector, Revenue Court, Thanjavour, under Section 6(B) of the Tamil Nadu Cultivating Tenants Protection Act, 1955 by the respondents herein/land owners. In the above petition, the land owners stated that originally, the land belonged to one V.Chandrasekaran, who is the husband of the first respondent herein and the father of the other respondents herein. It is further stated that the said V.Chandrasekaran, directed the petitioner/tenant to look after the lands as he was practicing as



an Advocate at Chennai. While so, the petitioner filed an application to register him as cultivating tenant in respect of the above petition mentioned lands, without the knowledge of the said V.Chandrasekaran. It is further stated that though the petitioner recorded his name as cultivating tenant, he failed and neglected to pay the rents to the above land owner V.Chandrasekaran. In such circumstances, the said V.Chandrasekaran died on 30.01.2012 leaving behind the respondents herein as his legal heirs. Even after the death of the said V.Chandrasekaran, the petitioner failed to pay the rent to the respondents till date. Therefore, the respondents issued a legal notice on 07.02.2022 to the petitioner calling upon him to pay the arrears of the rent amounting to 270 bags of paddy to the respondents. After the receipt of the above notice, the petitioner issued a reply notice with false averments. Hence, the respondents were constrained to file the above petition in I.A.No.9 of 2022 for eviction.

4.In the said petition, the respondents prayed for a direction to direct the revision petitioner to pay the arrears of rent amounting to 270 bags of paddy to the respondents and in the event of failure to pay the arrears of rent, to order eviction of the petitioner from the lands.

5.The said petition was resisted by the petitioner by stating that the respondents failed to mention to which fasli there is arrears of rent and also



failed to mention the year from which the rent was not paid. It is further stated that since the respondents are the close relatives of the revision petitioner, he never insisted for rental receipt and taking advantage of the same, the respondents have come forward with the above application by stating that there is wilful default in paying the rent by the petitioner with an intention to evict the petitioner from the property. Hence, he prays for dismissal of the above petition.

6.The Revenue Court, Thanjavour, after considering the materials on record and the evidence adduced on both sides and the arguments advanced by the respective counsel, has passed the following order:

“எதிர்மனுதாரர் மேற்கண்டவாறு குத்தகை நெல் செலுத்தாததால் அன்னாரை மனு நிலத்தை விட்டு வெளியேற்றிட மனுதாரர் கோரியுள்ளார். மனுதாரர் குத்தகை பாக்கிக்காக உரிய படிவத்தில் மனுவையும் கணக்குப்பட்டியலையும் தாக்கல் செய்துள்ளார்.

தமிழ்நாடு சாகுபடி குத்தகைதாரர் பாதுகாப்பு சட்டம் 25/1955 சட்டப்பிரிவு 3(4)(௨) – ன் படி 3 ஆண்டுகளுக்கு மேல் குத்தகை பாக்கி கோர இயலாது என்பதால் எதிர்மனுதாரர் கடைசி மூன்று பசலிகளுக்கு குத்தகை செலுத்த கடமைப்பட்டவராகிறார்.

இவ்வழக்கில் எதிர்மனுதாரர் செலுத்த வேண்டிய குத்தகையானது கேட்பு வசூல் நிலுவை ஆகியவை கீழ்க்கண்டவாறு நிர்ணயிக்கப்படுகிறது.

பசலி	கேட்பு (கு.கி)	வசூல் கு.கி	நிலுவை கு.கி	பசலி ரேட் ரூ.பை	தொகை ரூ.பை	தள்ளுபடி பசலிகளில் செலுத்தப்பட ட தொகை
1428	16.2	0.00	16.20	1850.00	29970.00	



1429	16.2	0.00	16.20	1920.00	31104.00	
130	16.2	0.00	16.20	2050.00	33210.00	
கூடுதல்					94284.00	0.00
விசாரணையின் போது செலுத்திய தொகை					0.00	
தள்ளுபடி பசலிகளில் செலுத்திய தொகை(-)					0.00	
செலுத்த வேண்டிய தொகை					94284.00	

ஏதிர்மனுதாரர் மேற்கண்டவாறு குறிப்பிட்டபடி குத்தகை தொகை ரூ. 94284 / - ஐ நேரடியாகவோ அல்லது நீதிமன்றத்தின் மூலமாகவோ 07.02.2023 - குள் மனுதாரரிடம் செலுத்தி அதற்குரிய அத்தாட்சியை பெற்றுக்கொள்ள வேண்டும் என்றும் அவ்வாறு மேற்கண்ட காலக்கெடுவுக்குள் செலுத்த தவறினால் ஏதிர்மனுதாரர் மனு நிலங்களை எவ்வித தயக்கமுமின்றி சமாதான முறையில் மனுதாரரிடம் ஒப்படைக்க வேண்டும் என்றும் ஆணையிடப்படுகிறது.”

Aggrieved by the same, the revision petitioner/tenant filed the present revision petition.

7.The learned counsel appearing for the revision petitioner submitted that the Revenue Court, Thanjavur after coming to a conclusion that as per Section 3(4)(b) of the Tamil Nadu Cultivating Tenants Protection Act, 25/1955, the relief of arrears of rent has become time barred, ought to have also rejected the claim of rent for the last three fasli, when there is no proof adduced by the respondents for non-payment of rent. The learned counsel would further submit that the Revenue Court, without any proper evidence, has come to a conclusion that the revision petitioner has not paid rent for the last three fasli years and erroneously fixed the amount of Rs.94,284/-. He prays for setting aside the order passed by the Revenue Court.



8.The learned counsel appearing for the respondents would submit that the revision petitioner even in their notice admitted that he is liable to pay only 3 years of rental arrears and not liable to pay 756 bags of paddy as claimed by the land owners. Therefore, there is no infirmity in the order passed by the Revenue Court, Thanjavur.

9.Heard the learned counsel appearing on either side and perused the materials available on record.

10.The revision petitioner is a cultivating tenant and the respondents are the landlords in respect of the petition mentioned property. It is submitted that the respondents filed a petition before the Revenue Court(Special Deputy Collector), Thanjavur, for evicting the petitioner/tenant for non-payment of rent for the fasli from 1428 – 1430 under the provision of Tamil Nadu Cultivating Tenants Protection Act, 1955. The contention of the revision petitioner is that the relief of arrears of rent has become time barred and therefore, the order passed by the Revenue Court to deposit a sum of Rs.94,284/- is unsustainable.

11.On the other hand, the learned counsel appearing for the respondents/landlords would submit that they are entitled to collect 25 bags of paddy per fasli and the Revenue Court, has wrongly fixed the amount of



Rs.94,284/- as arrears of rent. Ignoring the said fact, the tenant has to pay the rent for fasli years from 1428-1430. Moreover, the petitioner himself admitted in his notice that he is bound to pay the arrears of rent only for three fasli years. The Revenue Court also fixed the rental arrears only for three fasli years, which amount to Rs.94,284/-. Therefore, there is no infirmity found in the order passed by the Revenue Court.

12. On perusal of the order passed by the Revenue Court, Thanjavur, it is seen that the arrears of rent to be paid by the petitioner/tenant to the respondents/land lords in the last 3 fasli years. In the order impugned, it is clearly mentioned that the respondents/landlords are entitled only for three fasli years and accordingly, there is no infirmity or irregularity found in the order.

13. Since the petitioner/tenant himself admitted in his notice that he is bound to pay the arrears of rent only for the last three fasli years and he cannot say that the arrears of rent has become time barred. Therefore, this Court is fully convinced with the order of the Revenue Court is in order.

14. As a result, this Civil Revision Petition is dismissed and the order dated 22.11.2022 passed in P.No.9 of 2022 by the Special Deputy Collector, Revenue Court, Thanjavur, is confirmed. No costs. However, a direction is



issued to the revision petitioner/tenant to deposit the amount fixed by the Revenue Court, Thanjavur, within a period of two months from the date of receipt of a copy of this order, failing which, the petitioner/tenant is directed to hand over the possession of the land to the respondents/landlords without any protest. Consequently, connected miscellaneous petition is closed.

18.08.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
Ns

To

- 1.The Special Deputy Collector,
Revenue Court,
Thanjavur.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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