

In the High Court of Judicature at Madras

Dated: 01.12.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.23575 of 2015

S.K.Sivarajan

.. Petitioner

Vs.

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai,
Tiruppur District.

3.The Tahsildar,
Madathukulam Taluk,
Tiruppur District.

4.Subramniam

5.Chellammal

6.Devaathaai

(R4 to R6 are impleaded as per Order
dated 11.08.2015 by MMSJ in MP.1/2015
in W.P.No.23575/2015)

.. Respondents

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to implement the orders of the third respondent dated 24.07.2012 in T.R.No.19 of 1998 and record the tenancy of the petitioner under the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Act, 1969 for the lands measuring about 1.35.0 Hectares, comprised in S.No.384/1A & 384/1B Myvaadi Village, Madathukulam Taluk.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.A.Kumar,
Special Government Pleader for R1 to R3
M/s Dr.R.Gouri for R4

ORDER

Despite the representations were made to the official respondents by the petitioner on 06.05.2015 and 20.06.2015, as no further orders were passed, the petitioner has come forward to file this writ petition seeking a direction to the respondents to implement the orders of the third respondent dated 24.07.2012 in T.R.No.19 of 1998 and record the tenancy of the petitioner under the Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Act, 1969 for the lands measuring about 1.35.0 Hectares, comprised in S.No.384/1A & 384/1B Myvaadi Village, Madathukulam Taluk.

2. When the writ petition is taken up for hearing, the learned counsel appearing for the fourth respondent submitted that an appeal has been filed against the order dated 24.07.2012 made in T.R.No.19 of 1998 in the month of September, 2015 with an application for condonation of delay filed in I.A.No.206 of 2015.

3. The mere fact that the appeal has been filed, though admittedly after the period of three years, by itself cannot be a ground to deny the relief sought for. However, any order to be passed by the third respondent regarding the claim of the petitioner as a cultivating tenant in pursuant to the order dated 24.07.2012 made in T.R.No.19 of 1998 would be subject to the final order, if any, that can be passed in the appeal. In other words, if any order is passed in favour of the respondents 4 to 6 after condonation of delay, then consequently, the recording to be made by the third respondent in pursuant to the order passed by this Court in the writ petition will have to be deleted.

4. With the above said observation, the writ petition is disposed of by directing the third respondent to carry out the necessary entry by recording the petitioner as the cultivating tenant by giving effect to the order passed in T.R.No.19 of 1998. It is also made clear that the Appellate Authority will have to decide the application in I.A.No.206 of 2015 seeking for condonation of delay and if it is condoned on merits, then the appeal shall be disposed of on its own merits without being influenced by this order. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tiruppur District, Tiruppur.

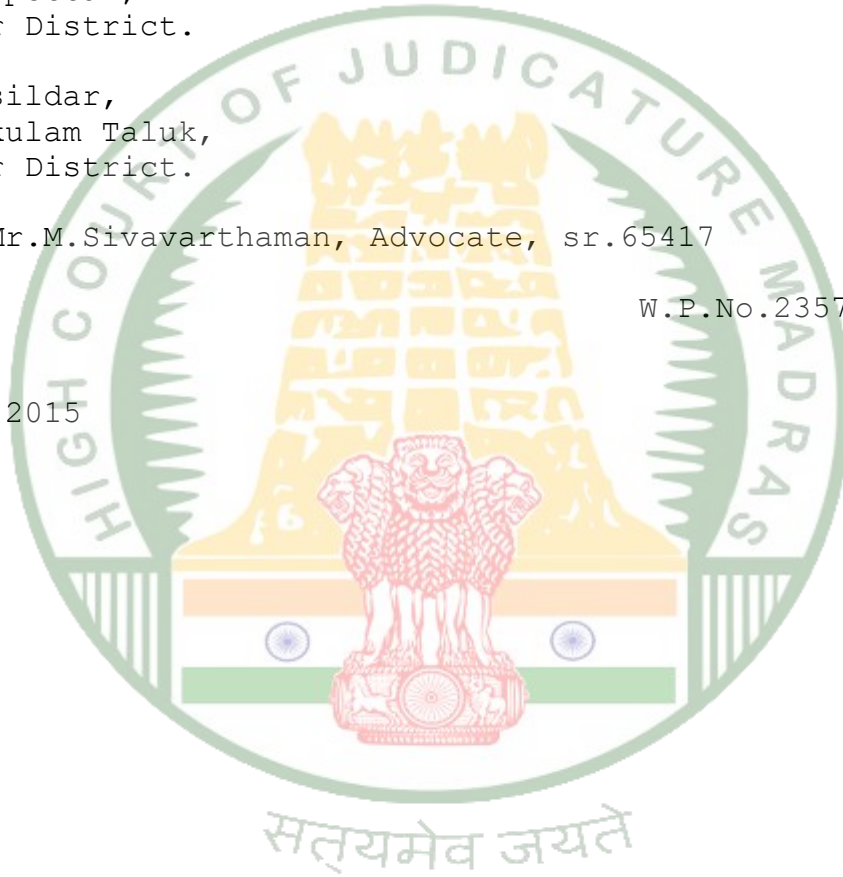
2.The Revenue Divisional Officer,
Udumalaipettai,
Tiruppur District.

3.The Tahsildar,
Madathukulam Taluk,
Tiruppur District.

+1 cc to Mr.M.Sivavarthaman, Advocate, sr.65417

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