

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD)No.4804 of 2011

and

M.P. No.1 of 2011

M.Chandramouli

.. Petitioner

Vs

1.Eswaran Naidu

2.Ethirajulu Naidu

3.Silakkama @ Sanjeevi Naidu

4.Baby Ammal

Indiraniammal (Died)

5.Krishnaveniammal

6.Narasimhalu Naidu

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Order dated 21.10.2008 made in C.T.P.No.81/1992, on the file of the Special Deputy Collector (Revenue Court), Cuddalore at Kancheepuram.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.P.Dhananjayan (for R1 to R4)

R5 & R6 - Given up

ORDER

This Civil Revision Petition is filed against the Order dated 21.10.2008 made in C.T.P.No.81/1992, on the file of the Special Deputy Collector (Revenue Court), Cuddalore at Kancheepuram.

2.The respondents herein filed CTP.No.81 of 1992, before the Special Deputy Collector (Revenue Court), Cuddalore at Kancheepuram, seeking to evict the revision petitioner from the lands mentioned in the petition.

3.Learned counsel appearing for the revision petitioner submitted that the Special Deputy Collector (Revenue Court), Cuddalore at Kancheepuram passed an interim order dated 21.10.2008 in CTP.No.81 of 1992 under the Tamilnadu Cultivating Tenants Protection Act, 1955, Section 25, Sub Section 3, 4(a), directing the Revision petitioner to pay a sum of Rs.4,05,000/- to the respondents on or before 12.03.2009.

Learned counsel further submitted that the order passed by the Revenue Court is a non speaking order and the same does not determine the quantum to be paid to the landlord / respondents herein. The said order was passed, without giving an opportunity to the revision petitioner. Therefore, seeks to grant an opportunity to the petitioner and thereafter to decide the issue on merits.

4.Learned counsel appearing for the respondents submitted that the petitioner is a chronic and wilful defaulter in payment of kuthagai amount and he has kept huge arrears and so he should be directed to deposit the total arrears of kuthagai amount in the court and on the ground of wilful default, he is liable to be evicted. He further submitted that inspite of number of opportunities given to the revision petitioner, he has not even chosen to appear before the Special Deputy Collector, Cuddalore at Kancheepuram. Therefore, he pleaded that the civil revision petition is liable to be dismissed.

5.Further, it is also represented that as on today, the respondents herein have not withdrawn the amount deposited by the

revision petitioner, as directed by this Hon'ble Court.

6. Heard Mr.D.Rajagopal, learned counsel appearing for the petitioner and Mr.P.Dhananjayan, learned counsel appearing for the respondents 1 to 4.

7.It is rightly pointed out that the order passed by the Special Deputy Collector dated 21.10.2008 in CTP.No.81 of 1992, directing the revision petitioner to pay a sum of Rs.4,05,000/- on or before 12.03.2009, is *per se* illegal and non determination of the amount is against law. Further, the order passed by the Special Deputy Collector, is a non speaking order and is of a printed format. The said order has also been passed without relying upon the relevant records. Therefore, the impugned order passed by the Special Deputy Collector, is hereby set aside and the matter is remanded back to the Special Deputy Collector, to decide the matter afresh, after giving an opportunity to the both parties.

8.The revision petitioner has deposited 50% of the amount,

as directed by this Court in M.P.No.1 of 2011 dated 10.12.2011 and the same is now lying with the Special Deputy Collector. In the interest of justice, this Court further directs the revision petitioner to deposit the balance 50% of the amount Rs.4,05,000/- as ordered by the Special Deputy Collector in his order dated 21.08.2009, within a period of four weeks from today.

9.The learned counsel appearing for the respondents requested that on such deposit, the respondents herein may be permitted to withdraw the entire amount. Considering the request of the learned counsel appearing for the respondents, the Special Deputy Collector, Cuddalore is directed to permit the respondents herein, to withdraw 50% of the amount that has been already deposited by the revision petitioner in compliance of the order passed in M.P.No.1 of 2011 in CRP(PD) No.4804 of 2011 dated 10.12.2011, within a period of two weeks. The Special Deputy Collector, Cuddalore is further directed to permit the respondents herein to withdraw the balance amount, immediately after the said amount is deposited.

10. In the light of the above observations, I am inclined to pass the following orders:

(i) the impugned order dated 21.10.2008 made in C.T.P.No.81 of 1992 is hereby set aside and remanded to the Special Deputy Collector, Cuddalore at Kancheepuram, to pass appropriate orders within a period of two months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the parties concerned. The revision petitioner shall render full co-operation for the enquiry.

(ii) In the meantime, the revision petitioner is directed to deposit the balance 50% of the amount determined by the Special Deputy Collector, Cuddalore at Kancheepuram on 21.10.2008 in CTP.No.81 of 1992, within a period of four weeks from today, failing which the respondents herein are at liberty to proceed against the revision petitioner, in accordance with law.

11. The Civil Revision Petition is allowed, with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

26.04.2016

vs

Index : Yes/No

To

The Special Deputy Collector (Revenue Court),
Cuddalore at Kancheepuram.

D.KRISHNAKUMAR,J.,

VS

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and
M.P. No.1 of 2011

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