

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.No.785 of 2016

1. Mrs.Lakshmi
W/o late Nagappan
2. N.Parameshwari
3. N.Somakumari
4. N.Uma Kumari
5. N.Radhamani
6. N.Sivakumar
7. N.Murugan .. Appellants

-vs-

1. The District Revenue Officer
Coimbatore
2. The Assistant Commissioner
Revenue Court, Trichy
3. The Tahsildar
Coimbatore North Taluk/Tamil Nadu
Record of Cultivating Tenancy Officer
Coimbatore
4. K.Kuppuraj
5. K.Chandrakhan
6. K.Anandkumar
7. B.Santha
8. C.K.Somalatha
9. Vimala
W/o Venkatachalam
- 10.C.N.Usha
- 11.J.Ramachandran .. Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 16.02.2015 made in W.P.No.31850 of 2013.

Prayer in W.P.No.31850 of 2013:Praying for a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na. Ka. No. 28903/2012/E1 dt 6.9.2013 and quash the same.

For Appellants :: Mr.C.Prakasam

For Respondents:: Mrs.A.Srijayanthi
Special Government Pleader for
R1 to R3
Mr.S.Kumaresan for R7, R8 & R11/
Caveators
Mrs.C.N.Usha, R10 appeared as
Party-in-Person

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

This writ appeal is against the order of the learned single Judge dismissing the writ petition filed by the appellants/writ petitioners to record them as cultivating tenants in respect of the property situate in Survey Nos.449 and 519 to an extent of 5.01 acres, Veerapandi Village, Coimbatore North Taluk, on the basis of the orders passed by the original, appellate and revisional authorities, namely, the respondents 3, 2 & 1.

2. Heard the learned counsel for the appellants, learned Special Government Pleader taking notice on behalf of the respondents 1 to 3 and the learned counsel for the respondents 7, 8 & 11/caveators.

3. The appellants are the legal heirs of the deceased-Nagappan and the respondents 4 to 11 are the legal heirs of the deceased-Krishnan. It appears that in connection with the subject property, which is said to have been occupied by the appellants herein, the applications filed by their father-Nagappan under the provisions of the Tamil Nadu Agricultural Land Record of Tenancy Right Act before the Tenancy Registrar cum Tahsildar, Coimbatore North Taluk, the third respondent herein/original authority and before the Assistant Commissioner of Revenue Court, Tiruchirappalli, the second respondent herein/appellate authority seeking to declare him as the cultivating tenant were dismissed on the ground that no valid document was filed to prove the alleged tenancy and no evidence was adduced in spite of the grant of sufficient opportunity. Of course, it appears that on more than one occasion, after the pleadings were completed, the father of the appellants remained absent before the original authority on the ground of illness. Even when the appellants approached the District Revenue Officer, Coimbatore, the first respondent herein, the revisional

authority also, concurring with the orders passed by the appellate and original authorities, dismissed the revision petition holding that no written agreement to prove the lease was filed, except the electricity bill, etc., as the father of the appellants was staying as a Watchman and there is nothing as such regarding the cultivation of the property. In fact, the revisional authority also took note of the conduct of the father of the appellants in filing an application to implead himself as a party to the final decree proceedings of partition between the land owners, which was dismissed by the Fast Track Court by order dated 8.9.2008. The said order came to be questioned in the writ petition.

4. The learned single Judge, having considered the various contentions raised by the appellants/writ petitioners and having noted the factual aspects of the case which have been dealt with by the original, appellate and revisional authorities, has dismissed the writ petition holding that no document was produced to establish that the father of the appellants was cultivating the property.

5. On going through the order passed by the learned single Judge as well as the orders passed by the original, appellate and revisional authorities, we do not find any scope for interference, much less the case does not merit any consideration. At the stage of admission, in the absence of any positive material on record, after sufficient opportunity having been given to the father of the appellants, the grounds urged by the appellants that Mr.Nagappan, the father of the appellants was not given sufficient opportunity etc., cannot be a ground to interfere with the orders passed by the authorities below, much less the order of the learned single Judge. In that view of the matter, this writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer,
Coimbatore.

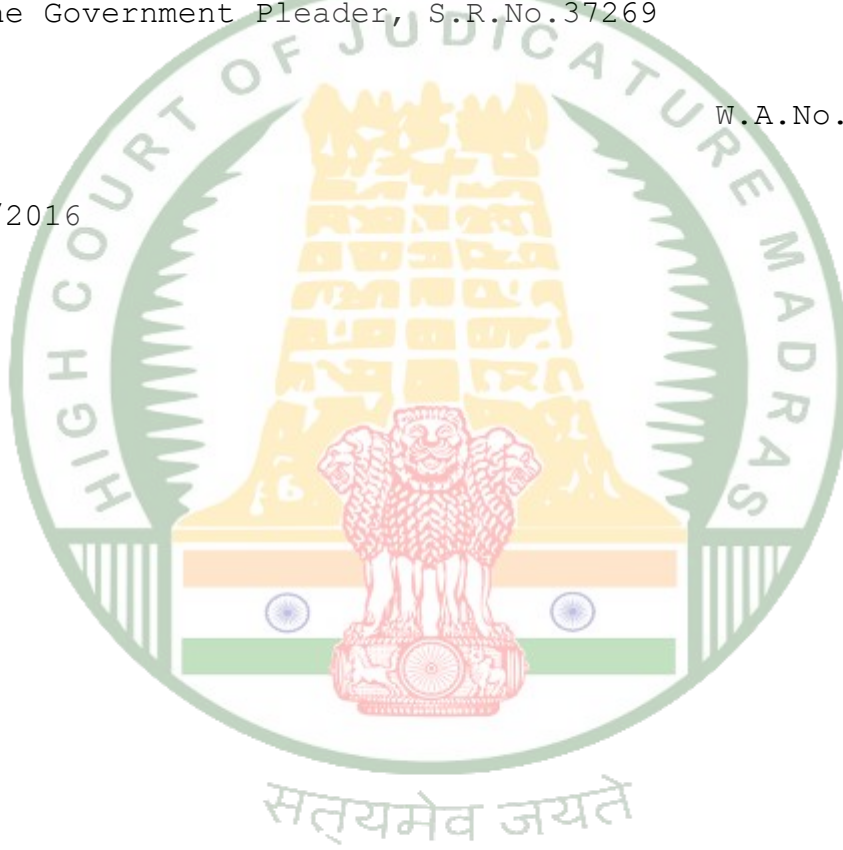
2. The Assistant Commissioner,
Revenue Court,
Tiruchirappalli.

3. The Tahsildar,
Coimbatore North Taluk/Tamil Nadu,
Record of Cultivating Tenancy Officer,
Coimbatore.

+5cc to Mr.S.Kumaresan, Advocate, S.R.No.37053
+1cc to Mr.J.Jayendrakrishnan, Advocate, S.R.No.37156
+1cc to Mr.C.Prakasam, Advocate Sr.37329
+1cc to the Government Pleader, S.R.No.37269

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