

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17956 of 2018 and
W.M.P.Nos.21248 & 21249 of 2018

A.Ramasamy

..

Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court, Cuddalore.

2.A.Palanisamy

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of certiorari calling for the records of the 1st respondent pertaining to the impugned order CTP 1/2018 dated 03.04.2018 and quash the same.

For Petitioner : Mr.M.Dhamodharan

For Respondent : Mr.I.Sathish,
Additional Government Pleader (R1)

O R D E R

This Writ Petition has been filed challenging the impugned order dated 03.04.2018 rejecting the request of the petitioner to record him as a cultivating tenant in respect of land in S.Nos.47/3 and 46/5 measuring an extent of 2.92 acres in Kandakumaran Village, Kattumannar Kovil Taluk, Cuddalore District.

2.The learned counsel for the petitioner submitted that the petitioner's father was recorded as a cultivating tenant in the year 1974 in respect of the above said property. During the life time of the petitioner's father itself, the 2nd respondent prevented him from cultivating the land. Hence, the petitioner's father filed a suit in O.S.No.326 of 1979 seeking for declaration of the petitioner's father's possession and injunction against the 2nd respondent. The said suit was decreed in favour of the petitioner's father. Thereafter, the 2nd respondent preferred appeal before the Sub Court, Chidambaram, which was dismissed. Challenging the dismissal of his appeal, the 2nd respondent preferred a First Appeal before this Court, which was also dismissed, confirming the possession of the petitioner's father as cultivating tenant.

3. In the year 2018, the 2nd respondent had filed a petition in C.T.P.No.1/2018 to evict the petitioner stating that the petitioner has not been cultivating the land in question for the past 38 years and is incurring loss to the 2nd respondent. By judgment dated 03.04.2018, the 1st respondent had ordered eviction of the petitioner, finding that the petitioner and the 2nd respondent had destroyed the nature of the cultivating land by keeping it idle for more than 30 years and based on the revenue records, only the 2nd respondent is the owner of the land and he is responsible to cultivate the land further. The 1st respondent had refused to record the name of the petitioner as a cultivating tenant as the petitioner did not prove his case by producing any document to that effect.

4. The learned counsel for the petitioner is also unable to produce any document to show that the petitioner was cultivating the land at any point of time.

5. In such view of the matter, this Court is not inclined to interfere with the order passed by the 1st respondent. The Writ Petition fails and hence, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Deputy Collector,
Revenue Court, Cuddalore.

+1cc to Mr.M.Dhamodharan, Advocate sr.no.46893
+1cc to Government Pleader sr.no.47535

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nr 27/07/2018