

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.29457 of 2006

1. Padmajothi
2. Jayachandran
3. Sathyaseelan
4. Jayalakshmi

... Petitioners

Vs.

1. The District Revenue Officer cum
Records of Tenancy Rights Revisional
Authority, Nagapattinam.
2. The Special Deputy Collector, (Revenue court) cum
Records of Tenancy Rights Appellate Authority
Mayiladuthurai, Nagapattinam District.
3. The Tahsildar cum
Records of Tenancy Rights
Record Officer,
Mayiladuthurai,
Nagapattinam District.

4. Krishnaswamy

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the third respondent in Petition Nos.54/01, 57/01 & 4/02 A2 dated 15.07.2003 as confirmed by second respondent in Ku.vu.pa.me.mu.no.8/2003 dated 10.08.2005 and by the first respondent in revision no.3/05 dated 19.05.2006 and quash the same.

For Petitioners : Mr.S.Sounthar

For Respondents : Mr.K.Ravikumar
Additional Government Pleader
For R1 to R3
Mr.A.Muthukumar
For R4

O R D E R

This Writ Petition has been filed challenging the order passed by the third respondent in Petition Nos.54/01, 57/01 & 4/02 A2 dated 15.07.2003, and subsequently, confirmed by the second respondent in Ku.vu.pa.me.mu.no.8/2003 dated 10.08.2005 and by the first respondent in Revision No.3/05 dated 19.05.2006.

2. In the said order passed by the third respondent in Petition Nos.54/01, 57/01 & 4/02 A2 dated 15.07.2003, the fourth respondent had been declared as cultivating tenant in respect of the property in question, and hence, the present Writ Petition has been filed by the petitioners, claiming title and possession of the property.

3. The case of the petitioners are that they are the owners of the nanja lands in Survey No.99/3 (0.95 acres) and S.No.105/3-A(0.66 acres) situated in Nallathukudi village, Mayiladuthurai Taluk. The fourth petitioner is the owner of S.No.99/2 (1.05 acres) situated in the same village. The first petitioner is the absolute owner of the S.No.115/2B1 (0.25 acres) situated in the same village, and the petitioners herein were in possession and enjoyment of their respective properties before disputes with the fourth respondent.

4. The fourth respondent herein filed a petitions in Form 5 under the Tamilnadu Agricultural Lands Records of Tenancy Rights Act, claiming that he is a cultivating tenant in the above said properties of the petitioners in Survey Nos.99/2, Survey No.99/3, S.No.105/3-A and S.No.115/2B1 and it was allowed by the third respondent on 15.07.2003 by way of common order.

5. Aggrieved by the said order the petitioners have filed an appeal in Ku.vu.pa.me.mu.no.8/2003 before the Appellate authority/Second respondent on 10.08.2005 and the second respondent confirmed the order passed by the third respondent on 10.08.2005. As against which, the petitioners filed a Revision petition in Revision No.3/05 before the Revisional authority on 19.05.2006 and the said petition was also confirmed by the first respondent and dismissed the petition on 19.05.2006. Therefore, the present Writ Petition has been filed by the petitioners.

6. However, the learned counsels appearing for the petitioners as well as the fourth respondent would submit that the matter was compromised in between the petitioners and the fourth respondent, and the fourth respondent has handed over the

entire land to the respective petitioners, and thereby, the matter has become infructuous, and the same may be dismissed.

7. Recording the above submissions made by the learned counsels for the petitioners as well as the fourth respondent, this Writ Petition is dismissed as infructuous. The third respondent is directed to remove the fourth respondent in the revenue records and record the petitioners name as owner of the property for their respective lands. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Revenue Officer cum
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2. The Special Deputy Collector, (Revenue court) cum
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Mayiladuthurai, Nagapattinam District.
3. The Tahsildar cum
Records of Tenancy Rights
Record Officer,
Mayiladuthurai,
Nagapattinam District.

+ 1 CC to The Government Pleader Sr.No.30373

SKV(CO)
SDR 21/05/2018

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