BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1180 of 2016
and
C.M.P.(MD).No.5793 of 2016

K.Thangammal ...Revision Petitioner / Respondent / 2nd Respondent

vs.

R.Murugan .. Respondent/Petitioner/ LR of the Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order passed in E.P.No.6 of 2015 in T.C.T.P.No.9 of 2008 on the file of the Revenue Court, Tirunelveli, dated 07.01.2016.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.S.P.Maharajan

ORDER

The father of the respondent filed T.C.T.P.No.9 of 2008 before the Revenue Court, Tirunelveli under Section 3(4)(a) of the Tamilnadu Cultivating Tenants (Protection) Act, 1955. In the said proceedings, an order was passed on 08.07.2013, directing the revision petitioner herein to pay the rental arrears. The revision petitioner did not comply with the said direction. Therefore, E.P.No.6 of 2015 was filed and the Revenue Court by the impugned order, dated 07.01.2016 directed the eviction of the revision petitioner. Questioning the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel appearing for both the parties.

3. The learned counsel for the revision petitioner took me through the relevant statutory provision. As rightly contended by the learned counsel for the petitioner, Section 3(4)(a) of the Tamil Nadu Cultivating Tenants (Protection) Act, 1955, contemplates the passing of a direction for depositing the arrears of rent inclusive of costs. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under Sub-section (3) (b). If the cultivating tenant fails to pay the sum as directed, the Revenue Court shall pass an order for eviction.

4. The learned counsel pointed out that in this case, based on the preliminary order passed by the Revenue Court, E.P.No.6 of 2015 has been filed and that the same is not maintainable. He wanted this Court to see if any order for eviction was passed by the Revenue Court in the first instance.

5. Though the submission on the face of it looks formidable, as rightly pointed out by the learned counsel for the respondent after the preliminary order was passed by the Revenue Court directing the cultivating tenant to deposit the arrears of rent. The land lord only applied to the Revenue Court for passing order of eviction. In fact, such an application was not necessary. It was superfluous in nature. The duty of the Revenue Court is to pass an order for eviction, if the cultivating tenant fails to deposit the sum as directed by the Revenue Court originally. But instead of passing an order for eviction in the main TCTP, the Revenue Court chose to number the application as E.P.No.6 of 2015. This was clearly an incorrect approach adopted by the Revenue Court. But the land lord cannot suffer for the lapse committed by the Court below. The maxim "Actus Curiae Neminem Gravabit- the act of the Court shall prejudice no man" will apply to this case.

6. This Court should also take note of the subsequent developments. It appears that the revision petitioner questioned a consequential order. In view of the non-compliance of the direction passed by this Court, the Civil Revision Petition get dismissed. The fact remains that the direction to clear the rental arrears was not complied by the cultivating tenant. The landlord has already suffered enough and more hardship. Keeping the Civil Revision Petition alive will only prolong his agony and suffering. Therefore, finding that no case is made out for interference, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To
1.The Revenue Court,Tirunelveli.

2. The Section Officer,V.R.Section,
Madurai Bench of Madras High Court,Madurai.**(2 Copies)**

+1CC to Mr.S.P.Maharajan, Advocate, SR.No.86135
+1CC to Mr.H.Arumugam, Advocate, SR.No.86586

C.R.P.(MD)No.1180 of 2016
24.09.2018

PJL
ES/SKN/RSK/SAR 4/25.10.2018/2P/6C