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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2019

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRP (NPD) No.812 of 2007 and
M.P.No.1 of 2007

1. Kumaran
2. Ramu @ Ramamirtham ..Respondents 1 & 2/Petitioners 1 & 2

Vs.

1. Ahamed Labbai Maraicar
2. Amuthavalli
3. Sivaraman
4. Indira Gandhi
5. Ramanathan
6. Santha
7. Chandran
8. Vadivelu ..Petitioners/Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure read with Section 10 of the Pondicherry Cultivating Tenants Protection Act 1970 (Act 9 of 1971) against the orders dated 23.08.2006 passed in O.P.No.6 of 1997 by the Revenue Court, Karaikal.

For Petitioners : Mr.T.Susindran
For Respondents : Mr.K.Goviganesan (for R1)
Mr.R.K.Sudha (for R3, 4 and 8)
For R2 , R5 to R7 given up.

ORDER

The revision petitioners are the respondents 1 and 2 in O.P.No.6 of 1997 on the file of the Revenue Court, Karaikal. The first respondent Mr. Ahamed Labbai Maraicar filed the above said O.P. No.6 of 1997 under Section 3(2) of the Pondicherry Cultivating Tenants Protection Act, 1970 to direct the revision petitioners and 6 others to pay rent arrears for the period from 1973 to 1997 for the horticulture produce, within a stipulated time, failing which to pass an order of eviction.

2. The Presiding Officer, Revenue Court, Karaikal, after analysing the evidence on record, fixed the fair rent for the period from 1973 to 1977 as Rs.4,55,954/-. It is also concluded that the first respondent is entitled to get the above

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said amount of Rs.4,55,845/- as arrears of rents. Aggrieved over the said orders passed by the Presiding Officer, the revision petitioners have filed the present revision petition.

3. No appearance on behalf of the respondents.

4. Mr.T.Susindran, learned counsel appearing for the revision petitioners would contend that the Revenue Court had fixed the fair rent without any basis and also held that if the petitioners did not pay the fair rent to the first respondent, the first respondent is at liberty to move the Revenue Court for eviction of petitioners from the tenancy land, within 30 days from the date of the order. According to him, such an observation made by the Presiding Officer, Revenue Court, Karaikal cannot be sustained inview of the decision in Srinivasa Thevar Vs. Thirugnanasambandar reported in 1982 TLNJ 168.

5. At the outset, it may be observed that the first respondent had filed O.PNo.6 of 1997, claiming arrears of rent at the rate of 50% of the yield per year amounting to Rs.6,84,000. The revision petitioners did not adduce any evidence to show the quantum of yield. Therefore, the Revenue Court accepted the claim of the petitioner and fixed the fair rent at Rs.4,55,954/-, after taking into account 33 1/3% on the total yield per year, as per the provisions of Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 . The Presiding Officer also held that the land is a dry land.

6. The orders passed by the Presiding Officer, Revenue Court, Karaikal cannot be said to be in excess of his jurisdiction, since he did not conclude that an order of eviction would automatically follow, in the event of failure of payment of rental arrears. He has also taken into account the evidence of the petitioners and the respondent, while arriving at the fair rent for the leasehold land. In the decision in Srinivasa (cited supra) it has been clearly held that a defaulting cultivating tenant cannot as a matter of right demand that he should be granted sufficient time. It is further held that, if the tenant does not pay the deficit rent within the time granted or within the extension of time granted from time to time, Revenue Divisional Officer could pass an order of eviction after giving reasons for refusal to extend time, and such orders also must be passed judicially, indicating therein as to why further extension cannot be granted.

7. As far as the present case is concerned, the Presiding Officer, Revenue Court, Karaikal, after fixing the fair rent for the leasehold property, directed the first

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respondent to move the same court for eviction of the tenants from the tenancy land, within 30 days from the date of his order, if the tenants do not pay the amount. The orders of the Presiding Officer, Revenue Court, Karraikal cannot be found fault with. Therefore, I do not see any reason to interfere with the findings recorded by the Presiding Officer, Revenue Court, Karaikal.

8. In the result, the Civil Revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The orders passed by the Presiding Officer, Revenue Court, Karaikal in O.P.No.6/1997 is upheld.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Revenue Court, Karaikal.

Copy To: The Section Officer, V.R.Section,
High Court of Madras, Chennai -104.

+1 cc to M/s.T.Susindran,Advocate Sr.No. 53808
+1 cc to M/s.K.Govi Ganesan, Advocate Sr.No.54186

AKM/05.12.19/3P-5C /

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