

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.No.27212 of 2007
and
M.P.No.1 of 2010

N.Gnanavel

..Petitioner

Vs

- 1.The District Revenue Officer
cum Revisional Officer,
Collector's Office,
Thiruvarur District.
- 2.The Special Deputy Collector
cum Appellate Authority,
Collector's Office, Thiruvarur.
- 3.The Special Tahsildar,
Mannargudi Taluk Office,
Mannargudi,
Thiruvarur District.

4.Tmt.Sathiyabama

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Certiorari, calling for the records of the first respondent in Ku.Vu.Pa.Se.Ma.No. (Na.Ka.34111/2005/Vu(4)) and set aside the order dated 18.6.2007.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.I.Sathish

Additional Government Pleader
for R1 to R3

Mr.S.K.Raghunathan for R4

O R D E R

This writ petition has been filed to quash the order of the first respondent in Ku.Vu.Pa.Se.Ma.No. (Na.Ka.34111/2005/Vu(4)) dated 18.6.2007.

2. The case of the petitioner is that he is the tenant in respect of the agricultural lands in S.Nos.135/1, 113/1 and 83/2, measuring an extent of 2.2 acres, 1.7 acres and 0.06 acres, respectively, in Kunniur Village, Mannargudi Taluk and

the fourth respondent is the owner of the said lands.

3. It seems that the petitioner filed an application in the year 2003, before the Special Tahsildar, the third respondent herein, to record his name as a cultivating tenant. The third respondent allowed the said application, which was challenged by the fourth respondent before the second respondent. The second respondent having found that the petitioner has not proved his tenancy and the Special Tahsildar has allowed the application only based on the xerox copies of the receipts for the payment of lease amount, set aside the order of the third respondent. The first respondent by the impugned order confirmed the same.

4. Heard Mr.R.Asokan, learned counsel for the petitioner, Mr.I.Sathish, learned Additional Government Pleader for the respondents 1 to 3, Mr.S.K.Raghunathan, learned counsel for the fourth respondent and perused the materials available on record.

5. It is not in dispute that the fourth respondent is the owner of the aforesaid lands. It is also not equally disputed that the petitioner applied to the third respondent to record his name as a cultivating tenant. From the perusal of the records, it is seen that the petitioner has produced xerox copies of the receipts said to have been obtained from the power agent of the fourth respondent. The Appellate Authority and the Revisional Authority have found that no power of attorney has been executed in favour of one Vaithianathan, who has been shown as the power agent of the fourth respondent.

6. It is also seen that the Appellate Authority and the Revisional Authority further held that no acceptable evidence was produced by the petitioner to record his name as the cultivating tenant. Since factual finding has been arrived at by the authorities and no perversity is found in their orders, I find no ground to quash them.

7. In the result, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ms

To

1.The District Revenue Officer
cum Revisional Officer,
Collector's Office,
Thiruvavarur District.

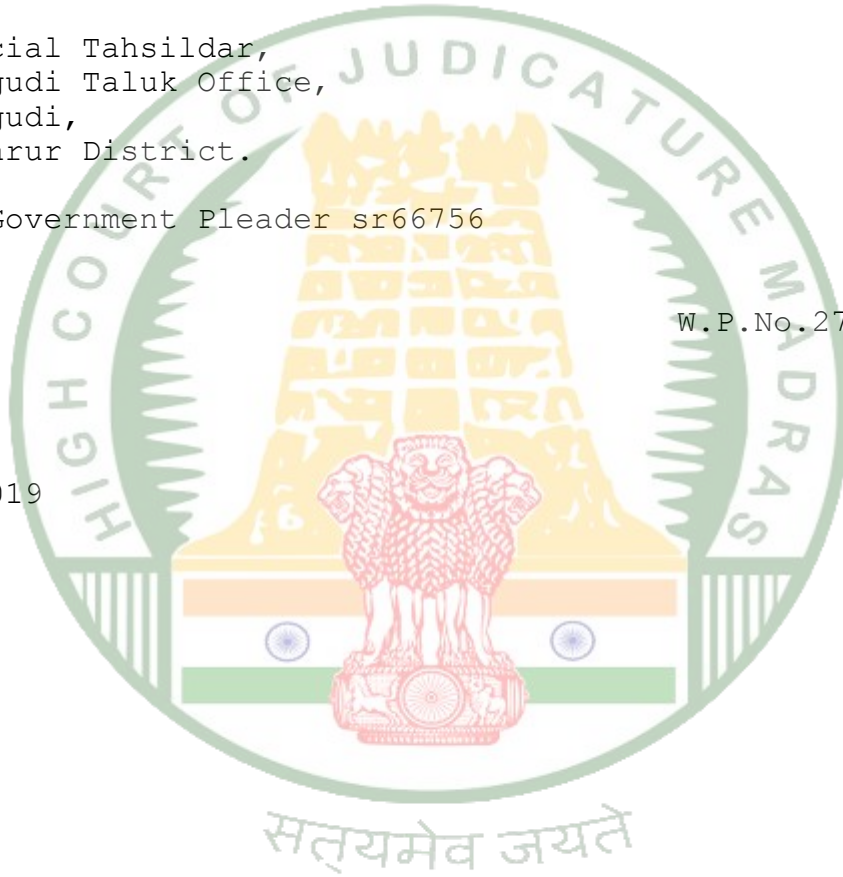
2.The Special Deputy Collector
cum Appellate Authority,
Collector's Office, Thiruvavarur.

3.The Special Tahsildar,
Mannargudi Taluk Office,
Mannargudi,
Thiruvavarur District.

+1 cc to Government Pleader sr66756

W.P.No.27212 of 2007

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