

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No. 20692 of 2004
and
WP.MP.No.24922 of 2004

Pethan

... Petitioner

Vs

1.Kadar Batcha

2.Ramasamy

3.Pappu

4.The Tahsildar (Record Officer)

Iluppur Taluk,

Iluppur

Pudukottai District

5.The Special Deputy Collector,

(Appellate Authority)

Revenue Court,

Trichy

6.The District Revenue Officer,

(Revisional Authority)

Pudukottai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 6th respondent herein relating to his order in CTP RP No.1/2003 dated 31.03.2004 confirming the order of the 5th respondent herein in appeal No.3/2002 dated 28.06.2002 and the order of the 4th respondent herein in Rc.No.15/2000 dated 31.12.2001, relating to lands of an extent of 0.76.5 hectares in survey No.148/1 Kathalur Village, Iluppur Taluk, Pudukottai District, quash the same and direct the fourth respondent herein to register the name of the petitioner as a cultivating tenant in respect of the aforesaid land.

For Petitioner : Ms. AL.Ganthimathi
For Respondent 1 :Mr.N.R.Rajendran
For Respondent 2 & 3 : Mr.T.M.Hariharan
For Respondents 4 to 6 : Mr.S.Suresh Kumar, GA

O R D E R

When the petitioner had filed an application in Form 5 before the fourth respondent seeking for recording his name as Cultivating Tenant in the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, in connection with the land measuring 0.76.5 hectares in Survey No.148/1, Kathalur Village, Iluppur Taluk, Pudukottai District, by an order dated 31.12.2001, the fourth respondent had rejected his application, which came to be confirmed by the fifth respondent on 11.12.2002 as well as by the sixth respondent on 31.02.2004. The said orders are under challenge in the present Writ Petition.

2. The only ground raised herein is that the Revenue Inspector, Kathalur Village, Iluppur had conducted an inspection on 14.07.2000 and filed a report in Report No.329 of 2000 dated 30.07.2000, that the petitioner herein was cultivating the subject land. It is now been brought to the notice of this Court that, pending the Writ Petition, the respondents 2 and 3 had filed a suit in O.S.No.42/2004 before the learned District Munsif, Keeranur, seeking for the relief of declaration and for permanent injunction, in connection with the same subject land, in which, the petitioner herein has been arrayed as the second defendant.

3.The trial Court had rendered a specific finding stating that the documents produced by the plaintiffs evidences that they were in possession and cultivating the suit properties and that the second defendant/petitioner herein has not produced any material evidence to establish his status as a cultivating tenant. The suit came to be decreed in favour of the second and third respondents herein. The observations made by the trial Court was confirmed through Judgment and decree in AS.No.67/2010 dated 02.02.2017, and the same has become final.

4.The learned counsel for the petitioner submitted that if the respondents furnished him a copy of the report of the Revenue Inspector dated 30.07.2000 and the matter is remanded back, he would establish his innocence before the Authorities.

5.I am unable to comprehend, as to how the report of the Revenue Inspector, which is sought for by the petitioner herein, can be of any help, when the Civil Courts have rendered a specific finding, based on the documentary evidences available,

and have held that the petitioner was not cultivating the subject lands during the relevant period and that the second and third respondents were in possession and were cultivating the lands. In view of the Civil Courts findings, no useful purpose would be served, if the matter is remanded back for a fresh consideration on the basis of the Revenue Inspector's report.

6. As such, I do not find any merits in the present writ petition. Accordingly, the Writ Petition stands closed. No costs. Consequentially, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Tahsildar (Record Officer)
Iluppur Taluk, Iluppur,
Pudukottai District
- 2.The Special Deputy Collector,
(Appellate Authority)
Revenue Court,
Trichy
- 3.The District Revenue Officer,
(Revisional Authority)
Pudukottai

+1 cc to M/s.AL.Gandhimathi, Advocate SR.No.31400
+1 cc to The Government Pleader, SR.No.31626
+1 cc to Mr.T.M.Hariharan, Advocate SR.No.32150

CSL/01.07.2019

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