

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 09.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (NPD) No. 373 of 2015

and

M.P. No. 1 of 2015

1. V.Jaganathan

2. V.Rajeswari

...Petitioners

Vs

1. C.T.Muthuveerappan

2. C.T.Arunachalam

3. P.Meenakashisundaram

4. M.Annamalai Chettiar

5. S.Alagappa Chettiar

6. PL.Vallaiammai Aachi

7. S.Muthuveerappa Chettiar

8. R.M.Sivagami Achi

9. Annapoorani

...Respondents

PRAYER: Civil Revision Petition filed under Section 6-B of the Tamil Nadu Cultivating Tenants Protection Act, 1955 read with Section 115 of the Civil Procedure Code to set aside the orders of the Revenue Court/Assistant

Commissioner, Tiruchirappalli dated 21.10.2010 in E.P.No.105 of 2005 in P.No.32 of 1989 and dismissing the execution application from eviction from the petitioner mentioned land.

For Petitioners : Mr. N.Thiagarajan

For Respondents : Mr. S.Natanarajan for R1 and R2

No Appearance for R3 to R9

ORDER

The prayer sought for in the present revision petition is to set aside the orders of the Revenue Court/Assistant Commissioner, Tiruchirappalli dated 21.10.2010 in E.P.No.105 of 2005 in P.No.32 of 1989 and dismissing the execution application from eviction from the petitioner mentioned land.

2. By an order dated 13.05.1993, the Special Deputy Collector had passed an order directing eviction. Consequently, the execution petition was filed in EP.No.105 of 2005. The Revenue Court by an order dated 21.10.2010, had observed that the petitioners herein have not paid the arrears of rent, even after due opportunities and that when they have offered to pay a part of the arrears, the respondents herein have refused such arrears and therefore, had concluded that the petitioners herein are liable to be evicted.

3. The learned counsel for the petitioners, while challenging the order passed in EP.No.105 of 2005, submitted that the Revenue Court ought not to have allowed the execution petition and they must be given an opportunity to put forth their case to decide the matter on merits. I do not find such a submission attractive.

4. It is seen that the eviction order has been passed in the year 1993 and that the Execution Court had also allowed the same in the year 2010. Over all these years, the petitioners herein have been squatting in the premises.

5. The learned counsel for the respondents also pointed out that as on date, there is huge arrears payable to them and that since the eviction order has become final, no further interference is required. This Court is also in agreement with such a submission.

6. When the petitioners herein have been successfully squatting in the premises for the past almost 25 years, even after the eviction order has been passed, without paying any rents to the respondents herein, no indulgence requires to be extended in their favour. As such, I do not find any infirmity in the order under challenge in the present Civil Revision

Petition.

7. Accordingly, the present Civil Revision Petition stands dismissed.

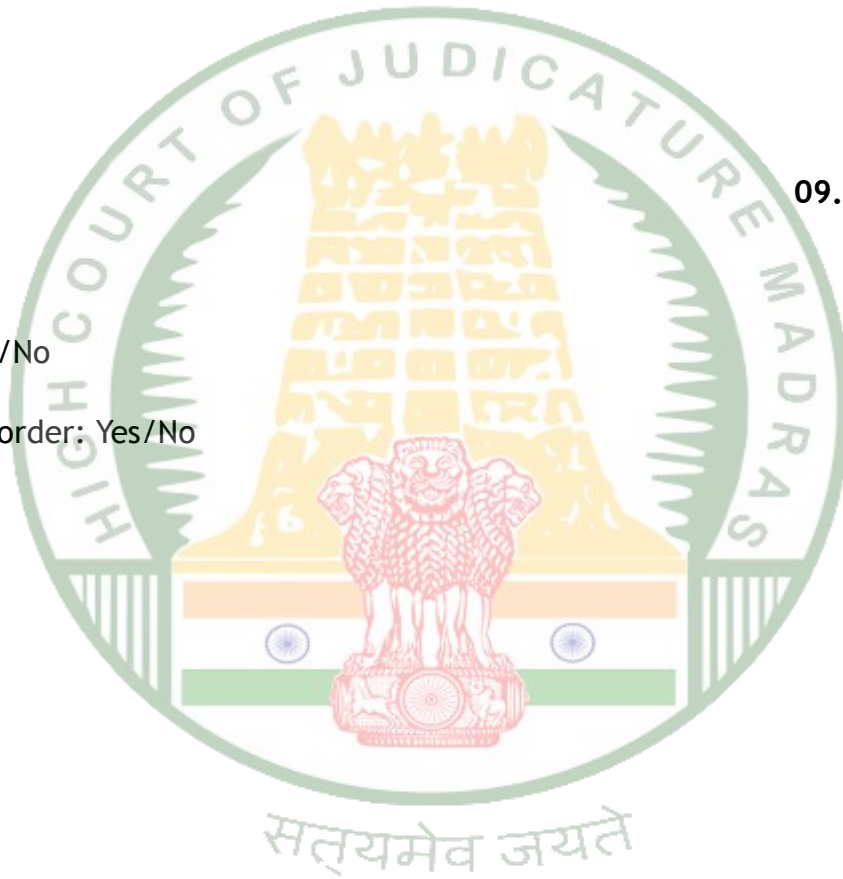
No costs. Consequently, connected Miscellaneous Petition is closed.

Index:Yes/No

Speaking order: Yes/No

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M.S.RAMESH.,J

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