

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.07.2018

Delivered on: 12.06.2019

CORAM

THE HONOURABLE THIRU JUSTICE P.VELMURUGAN

C.R.P.(NPD) No.1694 of 2018 &
CMP No.9318 of 2018

1. L.Ramasami Iyer

2. L.Balasubramanian

... Petitioners

- Vs -

V.Ramamoorthy

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 22.01.2018 made in P1 of 2017 passed by the Revenue Divisional Officer, Mannargudi.

For petitioner : Mr.R.Meenal

For respondent : Notice served No Appearance

ORDER

This Civil Revision Petition has been filed against the order dated 22.01.2018 made in P1 of 2017 passed by the Revenue Divisional Officer, Mannargudi.

2. The revision petitioners are the respondents in the proceedings dated 22.01.2018 made in P.1/2017. It is seen from the records that the respondent let out the land to the revision petitioners for cultivating paddy. After taking the land on lease, the petitioners cultivated the land and they have not paid any amount for the said land for the year 2014 and 2015 and also proceeded to cultivate the land for the Fasli 1424 and 1425. Therefore, the respondent filed the petition before the Revenue Authority for vacating the land and he also sent notice to the revision petitioners and they have also entered appearance through their counsel and filed their objections. After considering the fact that the respondent is the owner of the property and the petitioners have taken the said land for lease, whereas they have not paid the proceeds for the years 2014 and 2015 for a sum of Rs.70,200/- i.e., a sum of Rs.35,100/- each Fasil, the Revenue Authority directed the revision petitioners to pay a sum of Rs.70,200/- on or before 21.04.2018 either directly or through Court and get a receipt for the same, failing which, the petitioners have to vacate the leasehold property. Challenging the said order, the respondents therein/tenants filed the present revision before this Court.

3. The learned counsel for the petitioners would submit that after taking the lease, there was no rain and no water supply for the said land. Due to drought, the petitioners were not in a position to carryout the cultivation and therefore, they could not pay any rent to the respondent as

agreed by them. The non-payment of rent by the petitioners is neither willful nor wanton. The Revenue Authority failed to consider the said facts and passed the order, which warrants interference.

4. The learned counsel for the respondent would submit that the land belongs to the respondent and he let out the land to the revision petitioners for cultivating paddy. Since the petitioners have not paid the lease amount for the said land, the respondent approached the Revenue Authority as per the law. Even after receiving notice, the petitioners neither paid the arrears of rent nor they given any sufficient reason for non-payment of rent. Therefore, the Revenue Authority directed the revision petitioners to pay a sum of Rs.70,200/- on or before 21.04.2018 either directly or through Court and get a receipt for the same, failing which, the petitioners have to vacate the leasehold property. There is no perversity in the order passed by the Revenue Authority, which warrants no interference.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondent and also perused the materials available on record.

6. Admittedly, the leasehold property belongs to the respondent and the petitioners are the tenants to the respondent. There is no dispute

regarding the ownership and the relationship between the parties. The only defence taken by the revision petitioners is that due to non-raining and non supply of water from the river, drought prevails in the State and hence, they could not pay the rent as agreed by them. It is neither willful nor wanton. Though the petitioners stated that due to drought they have not paid the rent as agreed by them, they have not filed any document to prove the same. Since the relationship is admitted and the non payment of rent is admitted, this Court is of the view that there is no perversity in the order passed by the Revenue Authority.

7. This Court does not find any merit in this Civil Revision Petition and the same stands dismissed. The petitioners are directed to vacate the leasehold property, if they have not done so far and also directed to pay arrears of rent failing which, the respondent is at liberty to recover the arrears of rent in the manner known to law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

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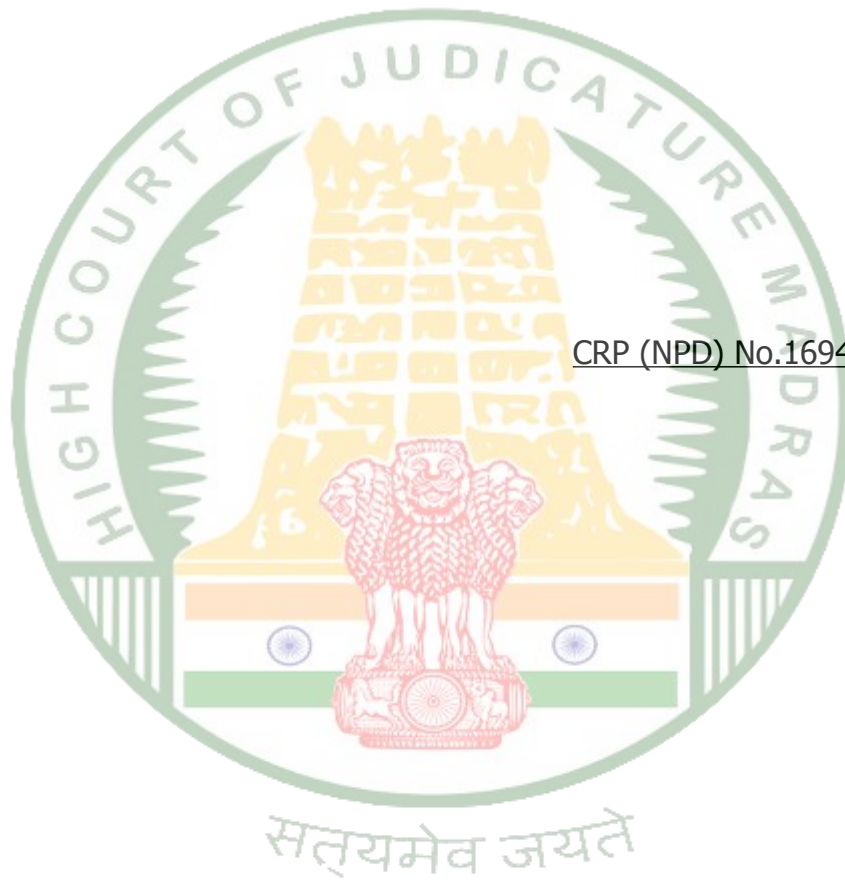
Index: Yes/no

Speaking/Non-Speaking Order

KMI
To
The Revenue Authority,
Mannargudi.

P.VELMURUGAN, J.

KMI



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