

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.31276, 31284, 31294, 31305 & 31310 of 2018
and

W.M.P.Nos.36462, 36473, 36483, 36490 & 36497 of 2018

C.K.Thangavel

... Petitioner in all W.Ps

Vs.

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.
2. Soosaiappan
3. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620 001.
4. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

... Respondents in W.P.No.31276 of 2018

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.
2. K.M.Velusamy
3. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620 001.
4. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

... Respondents in W.P.No.31284 of 2018

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.
2. Lourdumary
3. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620 001.
4. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

... Respondents in W.P.No.31294 of 2018

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.
2. Maria Joseph
3. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620 001.
4. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

... Respondents in W.P.No.31305 of 2018

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.
2. Ayyasamy
3. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620 001.

4. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

... Respondents in W.P.No.31310 of 2018

Prayer in W.P.No.31276 of 2018 : petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order of the 3rd respondent in P.T.No.610/2013(Erode) dated 09.03.2018, quash the same as illegal, unsustainable and against principles of natural justice and consequently direct the respondents 1, 3 and 4 to consider and effect recognizing the petitioner as a Lawful Tenant in the lands comprised in SF No.130/2 an extent of 0.74.0 Hectares of Wet Lands situate in 9-B, Vanipudur, Gobichettipalayam Taluk and Erode District and record the same in the relevant District Tenancy Records.

Prayer in W.P.No.31284 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order of the 3rd respondent in P.T.No.609/2013(Erode) dated 09.03.2018, quash the same as illegal, unsustainable and against principles of natural justice and consequently direct the respondents 1, 3 and 4 to consider and effect recognizing the petitioner as a Lawful Tenant in the lands comprised in SF No.128/2 an extent of 0.88.0 Hectares of Wet Lands situate in Arakkankottai Karai, Gobichettipalayam Taluk and Erode District and record the same in the relevant District Tenancy Records.

Prayer in W.P.No.31294 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order of the 3rd respondent in P.T.No.612/2013(Erode) dated 09.03.2018, quash the same as illegal, unsustainable and against principles of natural justice and consequently direct the respondents 1, 3 and 4 to consider and effect recognizing the petitioner as a Lawful Tenant in the lands comprised in SF No.130/2 an extent of 0.81.0 Hectares of Wet Lands situate in 9-B, Vanipudur, Gobichettipalayam Taluk and Erode District and record the same in the relevant District Tenancy Records.

Prayer in W.P.No.31305 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order of the 3rd respondent in P.T.No.613/2013(Erode) dated 09.03.2018, quash the same as illegal, unsustainable and against principles of natural justice and consequently direct the respondents 1, 3 and 4 to consider and effect recognizing the petitioner as a Lawful Tenant in the lands comprised in SF

No.130/2 an extent of 0.81.0 Hectares of Wet Lands situate in Arakkankottai Karai, Gobichettipalayam Taluk and Erode District and record the same in the relevant District Tenancy Records. Prayer in W.P.No.31310 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order of the 3rd respondent in P.T.No.611/2013(Erode) dated 09.03.2018, quash the same as illegal, unsustainable and against principles of natural justice and consequently direct the respondents 1, 3 and 4 to consider and effect recognizing the petitioner as a Lawful Tenant in the lands comprised in SF No.129/2 an extent of 0.41.0 Hectares of Wet Lands situate in 9-B, Vanipudur, Gobichettipalayam Taluk and Erode District and record the same in the relevant District Tenancy Records.

For Petitioner : Mr.R.Nagasundaram
(in all WPs)

For Respondents : Mr.P.R.Balasubramanian for R1
R2-Deceased
Mr.E.Balamurugan
Spl. Govt. Pleader for R3 & R4
(in all WPs)

C O M M O N O R D E R

In all these writ petitions, the writ petitioner challenged the order of the third respondent passed under Section 19(1)(D) and 19(3) of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act.

2. It is seen that a revisional remedy before the District Court is provided under Section 22 of the said Act, against the order passed by the third respondent. Therefore, when such statutory remedy is available, it is for the petitioner to workout such remedy before such Revisional Authority, who is also going to be the fact finding authority.

3. Therefore, without expressing any view on the merits of the contentions raised by the petitioner, these writ petitions are disposed of, by granting liberty to the petitioner to file such revision before the concerned District Court, within a period of two weeks from the date of receipt of a copy of this order. If any such revision is filed, the concerned District Court shall consider the same on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the respondents in these writ petitions, without reference to the period of limitation, if any .

4. Till the petitioner file such revision before the concerned District Court, the status-quo as on today shall be maintained by the respondents.

5. With the above observation, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

6. Registry is directed to return the original impugned orders in these writ petitions forthwith.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Nilgiris Diosis Society,
Periya Kodiveri Post,
Gobichettipalayam Taluk,
Erode District.

2. The Special Deputy Collector,
Revenue Court,
Collector Office, (Old Building)
Trichy - 620001.

3. The Tenancy Records Officer/Revenue Tahsildar,
Gobichettipalayam,
Erode District.

+5 cc's to Mr.R.Nagasundaram, Advocate Sr.No.19078

+5 cc's to Mr.P.R.Balasubramanian, Advocate Sr.Nos.19494 to19498

W.P.Nos.31276, 31284, 31294, 31305 & 31310 of 2018

VBA (CO)
CSL/05.03.2019

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