

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 10.02.2020

Pronounced on : 14.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(NPD).No.2139 of 2016
and
CMP.No.11171 of 2016

L.Natarajan

... Petitioner

Versus

1.Mohamed Ismail

2.Abdul Jaffar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of eviction dated 28.10.2013 passed in P.No.34 of 2013, on the file of the Special Deputy Collector, the Revenue Court, Nagapattinam.

For petitioner : Mr.P.Mathivanan

For Respondents : Mr.A.Sundaravadhanan (for R2)

: No Appearance – R1
(Not ready in notice)

ORDER

The lessee in P.No.34 of 2013 before the Revenue Court, Nagapattinam is the revision petitioner herein.

2.The respondents are the owner of the land measuring an extent of 3 acres, (which is equivalent to 9 ma) under the survey number in S.No.2/1A, Kattumavadi Village, Nagapattinam Taluk and District. They have filed an application before the Special Deputy Collector and Revenue Officer, Nagapattinam under Section 3 (4) (a) of The Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969 for eviction of the cultivating tenant/petitioner herein.

3.A counter was filed alleging that the petitioner has paid the lease rent for the relevant fasli year to the landlord but the landlord was not in the habit of issuing receipt. Hence, the question of non payment of dues will not arise and therefore prayed for dismissal of the application for eviction.

4.It is the specific case of the owner that the petitioner herein has not paid the dues for the 5 Fasli years from 1417 to 1421, which was calculated as per one ma = 5 Kalam of Paddy. The respondents are claiming for 5 years lease amount for 5 column of Paddy, which is totally 225 Kalam of Paddy, which has been cultivated by the petitioner on the respondents leasehold land. For claiming of pending lease amount of 225 Kalam of Paddy, the above said petition in P.No.34 of 2013 was filed under Section (3)(4)(A) of the Tamil Nadu Cultivating Tenants Protection Act 25 of 1955.

5.In the enquiry, after observing the due process, the Revenue Authorities found that the lessee has cultivated the land during the above said Fasli periods but did not pay the lease amount to the landlord. The landlord/respondents therefore wanted to terminate the lessee from the lands in question for non payment of dues from the Fasli year 1417 to 1421 and further, the respondents claim that the petitioner has to pay 45 Kalam of Paddy, for 5 Fasli year. Since, the petitioner agreed to pay the lease amount for 1 ma to 5 Kalam of rice for the total extent of 3 acres which is equal to 9 ma, hence, for each Fasli of 5 Kalams viz., $9 \text{ ma} \times 5 \text{ kalam} = 225 \text{ Kalams}$ of rice, he has to pay the defaulted amount. Further, taking note of the fact that the Revenue Records had been mutated for having remitted the lease rent for the necessary period of tax, the Revenue Court has passed an order dated 28.10.2013 directing the petitioner for payment of the balance due of Rs.41,796/- and in default, the order of eviction will be effected. As against this order, the revision petitioner has filed the present Civil Revision Petition before this Court.

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6.After going through the records and hearing the arguments of the respective counsel on record, it is seen that for non-compliance of the order dated 28.10.2013, eviction petition has been filed by the landlord/ respondents herein under Section (3)(4)(A) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, before the Revenue

Court. The respondents/land lord contended that the petitioner did not remit the amount as directed in that order dated 28.10.2013. The Revenue Court has also rejected the plea raised in the counter that payment has been made without furnishing any details. Thus, the Revenue Officer has rightly exercised his jurisdiction in favour of the landlord/respondents herein and ordered for eviction. Hence, I do not find any reason to interfere with the order.

7. Accordingly, the order of eviction dated 28.10.2013 passed in P.No.34 of 2013 by the Revenue authorities is hereby confirmed. Thus, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.02.2020

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order

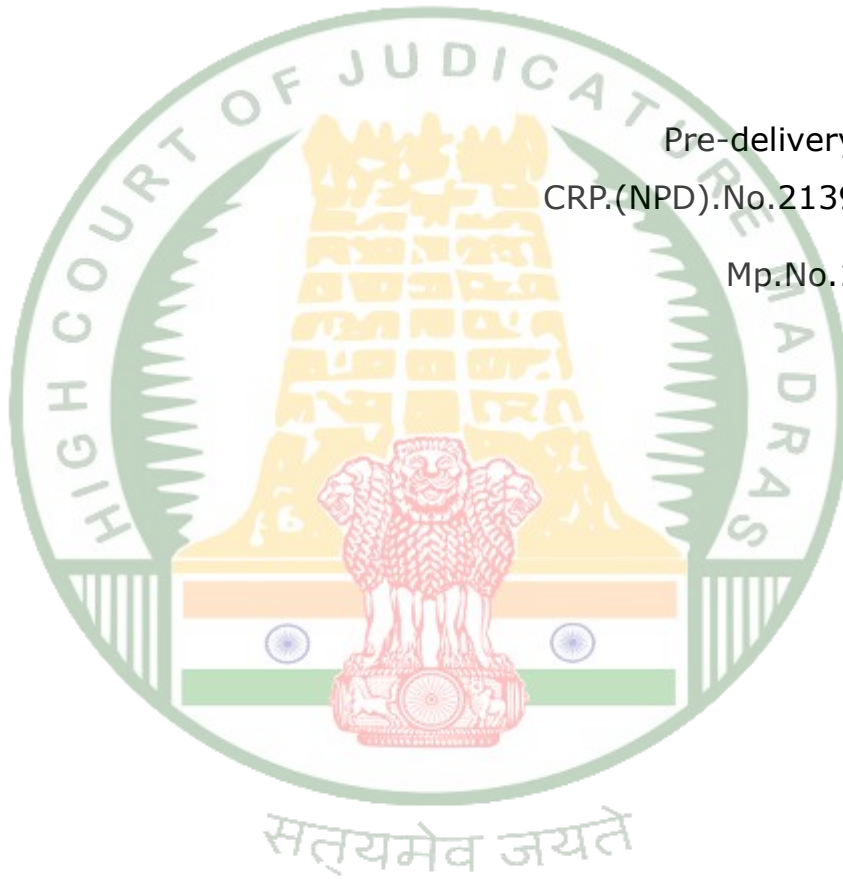
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To

The Special Deputy Collector, the Revenue Court, Nagapattinam.

RMT.TEEKAA RAMAN,J.,

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Pre-delivery order in
CRP.(NPD).No.2139 of 2016
and
Mp.No.1 of 2011

14.02.2020

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