

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.R.P(NPD)No. 232 of 2018**

Kandasamy Udayar

..Petitioner

Vs.

The Executive Officer,  
Sri Vaidyanathasamy Temple,  
Thirumazhappadi,  
Ariyalur Taluk, Ariyalur District.

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the fair and decreetal order passed in Fair Rent Appeal No. 01 of 1999, dated 18.08.2017, on the file of the Sub-Court, Ariyalur modifying the orders passed in Fair Rent Application No. 100 of 1995 dated 11.05.1995, on the file of the Revenue Court / Special Deputy Collector, Trichy.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.R.Arunmozhi

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**ORDER**

This revision petition has been filed by the petitioner / tenant against the order fixing fair rent under the provisions of the Tamilnadu Act 57 of 1961.

2. The land belongs to the temple. The petitioner is the tenant. Though the total extent of 2.50 cents was leased out, it was found that only 2 acres 15 cents was under cultivation. The original Authority after considering the documents produced by the temple concluded that the tenant shall measure 12 ½ kalams equivalent to 6 ½ bags per acre paddy for first crop and 10 kalams of 5 bags of paddy per acre for the second crop. If sugarcane is cultivated, the original Authority directed 7 ½ tonnes of Sugarcane per acre to be given as the lease rent. Aggrieved by the said fixation, the tenant preferred an appeal in F.R.A.No. 1 of 1999 before the Sub-Court, Ariyalur. The learned Sub-Ordinate Judge, upon a consideration of the evidence on record concluded that the original Authority had not taken note of the statistics relating to yield and reduced the fair rent fixed to 5 bags of paddy per acre for the first crop and 2 ½ bags of paddy per acre

for the second crop and 5 tonnes of sugarcane per acre. Aggrieved by the said fixation, the tenant has come up with this revision.

3. I have heard Mr.S.Kamadevan, learned counsel for the petitioner and Mr. R.Arunmozhi, learned counsel for the appellant.

4. Mr.S.Kamadevan, learned counsel for the petitioner would contend that there is no proper yield in the suit property and hence the Courts below were not right in fixing a fair rent which is on the higher side. A perusal of the orders of the original Authority and the Appellate Court demonstrate that they have taken note of the evidence that is available and upon a consideration of the evidence which shows the percentage of the yield have fixed the fair rent. The Appellate Authority had in fact reduced the fair rent fixed by the original Authority and the temple has not challenged the same. Those scope of a revision in these cases is restricted.

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5. Once it is found that there is application of mind and the evidence has been considered by the Authorities under the Act, this court

cannot substitute its own finding, I therefore do not think there is scope of interference with the orders of the Appellate Authority which is based on evidence. Hence, this Civil Revision Petition fails and it is accordingly dismissed. No costs.

**14.08.2020**

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To:-

1. The Sub-Court, Ariyalur
2. The Revenue Court / Special Deputy Collector,  
Trichy.



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**R.SUBRAMANIAN, J.**

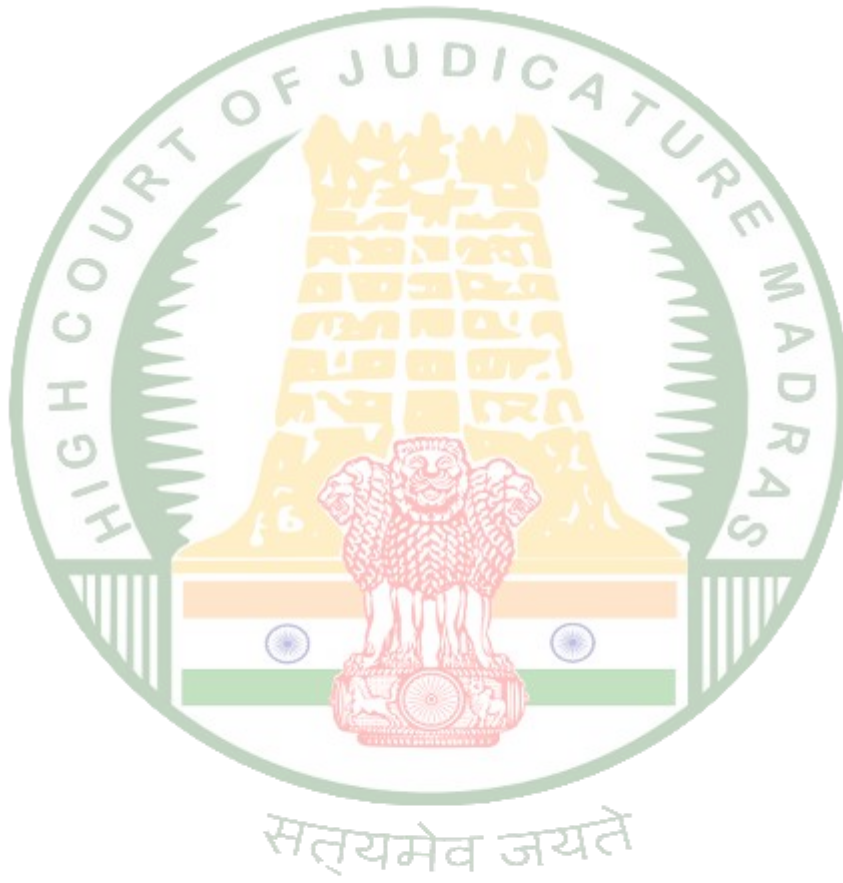
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