



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.R.P. (NPD) (MD)No.1708 of 2012

WEB COPY

Ilanchiyam

: Petitioner/Petitioner

Vs.

The Executive Officer
Arulmigu Thandayuthabani swamy
Thirukovil
Palani
Dindigul District.

:Respondent/Respondent

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India against the order dated 20.03.2012 passed in P.T.No.54 of 2006 on the file of the Revenue Court (Special Deputy Collector), Madurai.

For Petitioners : Mr.M.P.Senthil

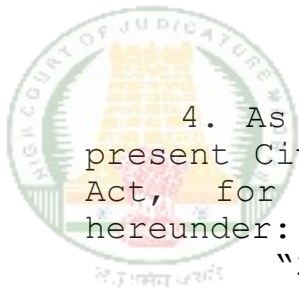
For Respondents : Mr.K.Sekar

ORDER

This Civil Revision Petition has been filed by the cultivating tenant questioning the correctness of the impugned fair and decreetal order dated 20.03.2012 passed in P.T.No.54/2006 by the Revenue Court (Special Deputy Collector), Madurai, rejecting the request of the petitioner for repossession.

2. Learned counsel for the petitioner would submit that being a cultivating tenant, he was evicted by an order dated 22.10.2003, pursuant to the same, he has also delivered the vacant possession to the respondent Executive Officer of the respondent Temple and thereafter, an application was taken up under Section 20 of the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, (Act 57 of 1961). The Revenue Court, considering no merits whatsoever therein, dismissed the said application by a speaking order dated 20.03.2012. As against the same, the present Civil Revision Petition has been filed.

3. Learned counsel for the respondent, by taking support from Section 22 of the said Act, raised an objection regarding maintainability of the Civil Revision Petition and submitted that questioning the correctness of the impugned order, the petitioner ought to have approached the District Court.



4. As the respondent has questioned the maintainability of the present Civil Revision Petition by virtue of Section 22 of the said Act, for useful reference, Section 22 of the said Act is extracted hereunder:

"22.Revision by the District Court. - The District Court may call for and examine the record of any authorized officer in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon, and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly."

5. A perusal of the said Section clearly shows that as against the impugned order, revision lies only before the District Court, Madurai. However, without resorting to the remedy available before the District Court, the petitioner has wrongly approached this Court by way of this petition. Therefore, on the sole ground of maintainability, this Civil Revision Petition is dismissed as not maintainable. At this juncture, the learned counsel for the petitioner seeks liberty of this Court to approach the District Court. However, the said request is rejected in *limini*. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

The Revenue Court (Special Deputy Collector),
Madurai.

+1 CC to M/s.K.SEKAR, Advocate (SR-1187[F] dated 09/01/2020)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-1337[F] dated 10/01/2020)

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SMA/11/02/2020/2P/4C