



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.6742 of 2018

Ponraman @ Palanipandi

... Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court,
Tiruchirappalli.

2.The Tahsildar,
Manapparai
Trichy District.

3.The Tahsildar,
Marungapuri Taluk,
Trichy Taluk.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to implement the order dated 17.02.2014 in A.P.No.23/2005 passed by the first respondent under the Tamilnadu Agricultural Lands Record of Tenancy Rights Act (Act 10/1969) by registering the petitioner as the cultivating tenant in the register maintained under the Act.

For Petitioner : Mr.H.Lakshmi Sankar

For Respondents : Mr.P.Kanni Thevan

Additional Government Pleader

O R D E R

The writ petition has been filed for a direction to the third respondent to implement the order dated 17.02.2014 in A.P.No.23/2005 passed by the first respondent under the Tamilnadu Agricultural Lands Record of Tenancy Rights Act (Act 10/1969) by registering the petitioner as the cultivating tenant in the register maintained under the Act.

2.The facts in nutshell is that the petitioner is a cultivating tenant, on the basis of an oral agreement, in respect of the property in S.No.122/4B measuring 62 cents. The said property originally situate in Manapparai Taluk. While so, the



petitioner filed an application under the Tamilnadu Agricultural Lands Record of Tenancy Rights Act (Act 10/1969) before the second respondent, being the Tenancy Record Officer, to register his name as cultivating tenant. The second, respondent having considered the said application, dismissed the same, against which, the petitioner preferred an appeal before the first respondent in A.P.No.23/2005, which came to be allowed by order dated 17.02.2014, thereby setting aside the order of the second respondent and a direction was given to the second respondent to register the petitioner's name as cultivating tenant. For implementation of the said order, the petitioner approached the second respondent. However, since no order is forthcoming from the second respondent, the petitioner is before this Court with this present writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader.

4. The learned counsel for the petitioner reiterated the submissions made in the affidavit filed in support of the writ petition.

5. When the order was passed by the revenue Court, the property situated in Manapparai jurisdiction and after bifurcation, the property comes within the jurisdiction of Marungapuri Taluk and hence, the third respondent cannot refuse to implement the order on the ground that in the said order, he is not a party. It is not necessary that the third respondent is a party to the revenue Court. The order has been passed pertaining to the land in question. When the land goes to a different taluk by means of bifurcation, the order of the revenue Court hold good and that has to be implemented by the jurisdictional Tahsildar, in letter and spirit, unless and otherwise, it has been tested in a higher forum. It is represented by the petitioner that the order has become final and the third respondent will have to comply with the order dated 17.02.2014.

6. At this juncture, the learned Additional Government Pleader for the respondent submitted that the respondents have not been served with the copy of the document.

7. It is to be noted that the documents ought to have been at the hands of the second respondent, who was a party to the appeal before the revenue Court and the said records have necessarily to be transferred to the third respondent. The petitioner shall forward a copy of the order dated 17.02.2014 in A.P.No.23/2005 passed by the revenue Court along with this order, so that, the third respondent could comply with the order, within a period of three months from the date of receipt of a copy of this order.



8. The writ petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Special Deputy Collector,
Revenue Court,
Tiruchirappalli.

2.The Tahsildar,
Manapparai
Trichy District.

3.The Tahsildar,
Marungapuri Taluk,
Trichy Taluk.

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-20067[F]
dated 14/10/2020)

+1 CC to M/s.GP (SR-20229[F] dated 15/10/2020)

Order made in

W.P. (MD) No.6742 of 2018

Dated: 13.10.2020

SRK(CO)

TR(22.10.2020) 3P 6C