



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.16431 of 2015

M.Ramu

... Petitioner

VS

The Tahsildar,
Madurai South Taluk, Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to dispose of the representation submitted for Ulavidaipatta in respect of the land comprised in S.Nos.1 to 10 situated at Chettikulam Village, Madurai South Taluk, Madurai within the time frame as may be fixed by this Court.

For Petitioner :Mr.B.Prahalad Ravi
for M/s.Hall Mark Associates

For Respondent :Mr.Mr.A.Thiyagarajan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondent to dispose of the representation submitted for Ulavidaipatta in respect of the land comprised in S.Nos.1 to 10 situated at Chettikulam Village, Madurai South Taluk, Madurai within the time frame as may be fixed by this Court.

2.In the representation of the petitioner, the petitioner states that an extent of about 30 Acres in S.Nos.1 to 10 situated at Chettikulam Village, Madurai South Taluk, Madurai is in possession and enjoyment of the petitioner and that therefore, he is entitled to Ulavadaipatta. It is stated that the owners of the land are one Venkatesan and his mother Santha Devi. However, the petitioner has not even impleaded the owners of the land in the present Writ Petition.



3.The petitioner claim that he is cultivating the land. The petitioner has not even stated the facts to claim right as a cultivating tenant under the Cultivating Tenant's Protection Act. Even assuming that the petitioner is cultivating the land and unless he is in possession as a cultivating tenant under a tenancy agreement, the petitioner cannot get his name in the records as a cultivating tenant. Even if a person is cultivating a land, he cannot be considered as a cultivating tenant, unless, he proves that his possession is on the basis of tenancy under the landlord. The petitioner does not even claim right as a tenant under the original owner and no document of tenancy is produced before this Court. Assuming that the petitioner is a cultivating tenant, the petitioner can file a petition before the Record Officer under Tamil Nadu Agricultural Lands Records of Tenancy Rights Act 1969 (Tamil Nadu Act 10 of 1969) to include his name in the revenue record as a cultivating tenant. Without following the procedure contemplated under the Act 10 of 1969, it is not possible for the Tahsildar or Revenue officials to consider the petitioner's application. Tenancy is not pleaded. There are other ingredients to satisfy the definition of cultivating tenant.

4.The respondent has filed a counter affidavit stating that the petitioner is not cultivating any land and that he has not produced any record to prove that he is cultivating the land in respect of S.Nos.1 to 10 situated at Chettikulam Village, Madurai Taluk.

5.Above all, the petitioner is entitled to claim cultivating tenancy only if he is holding the land within the limit ceiling prescribed under Act 10 of 1969. From the way in which the petitioner has come forward before this Court, this Court find that the petitioner has approached this Court with ulterior motive to grab the land. Hence, the Writ Petition is dismissed with a cost of Rs.10,000/- to the credit of Legal Aid Service Authority, attached to this Bench within a period of three weeks from the date of receipt of a copy of this order.

6.Post the matter on 25.02.2020 for reporting compliance.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

<https://hcservices.ecourts.gov.in/hcservices/>



To

The Tahsildar,
Madurai South Taluk, Madurai.

WEB COPY

+1 CC to SPL.GP (SR-673[F] dated 08/01/2020)

+1 CC to Mr.B.PRAHALAD RAVI, Advocate (SR-1186[F] dated
09/01/2020)

W.P.(MD)No.16431 of 2015
07.01.2020

VB(29.01.2020) 3P 4C