

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 23.06.2021

PRONOUNCED ON: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P. (PD) No. 57 of 2019

And

C.M.P.No. 569 of 2019

Ramachandiran

... Petitioner/Respondent

-Vs-

Sanjivi

... Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Section 10 of Puducherry Cultivating Tenants Protection Act No. 9 of 1971 read with Section 115 of Code of Civil Procedure, against the order dated 26.09.2018 passed in P.C.T.P.A.No.01 of 2016, on the file of the Revenue Court, Puducherry Sub Division (South), Villianur.

For Petitioner : Ms. Elizabeth Ravi

For Respondent : Mr. S.V.D. Rajendra Prasad

ORDER

The respondent in P.C.T.P.A.No. 01 of 2016 on the file of the Revenue Court, Puducherry, Sub Division (South), Villianur, is the revision petitioner herein.

2. The revision petition has been focused against the order dated 26.09.2018 disposing of the said P.C.T.P.A.No. 01 of 2016 by rendering a finding that the annual lease rent payable by the revision petitioner was 5 bags of paddy or its equivalent cash and that the same should be paid from January 1998 till December 2015 and a further finding that the revision petitioner herein should vacate the suit property forthwith and should also pay the outstanding lease rent.

3. Heard Ms. Elizabeth Ravi, learned counsel for the revision petitioner and Mr. S.V.D.Rajendra Prasad, learned counsel for the respondent.

4. P.C.T.P.A.No. 01 of 2016 had been preferred before the

Revenue Court, Puducherry Sub Division (South), Villianur, by the respondent herein in his capacity as landlord under Section 3(2)(b) & (c) read with Section 4(a) of Pondicherry Cultivating Tenants Protection Act, 1970 seeking eviction of the revision petitioner herein from the property in R.S.No. 6/3, Cad No. 776 part, Paymache No.41, patta No. 198 measuring to an extent of 00.25.50 H:A:Ca or 47 kuzhi, 10 veesam in Embalam Revenue Village, Puducherry. The said petition had been filed in the year 2016.

5. Section 3(1)(b) & (c) of the Puducherry Cultivating Tenants Protection Act No. 9 of 1971 is as follows:-

“3(1) Notwithstanding anything to the contrary in any law, custom, usage or contract or any decree or order of court, no cultivating tenant shall be evicted from his holding or any part thereof, by or at the instance of his landlord except as provided in this section.

(a)

(b) who, in the other areas, if in arrear at the

commencement of this act, with respect to the rent payable to the landlord and accrued due subsequent to 31st March, 1970, does not pay such rent within such time as may be prescribed, or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(c) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or who has used the land or any purpose not being an agricultural or horticultural purpose.”

6. It is the contention of the respondent herein that the property belonged to his father to whom it was allotted by a Partition Deed dated 30.03.1995. Further this holding was also affirmed by Judgment and Decree of the II Additional District Munsiff, Pondicherry, dated 26.02.1997 in O.S.No. 469 of 1995 and further confirmed by Judgment of the Principal District Court, Pondicherry, dated 16.01.1998 in A.S.No. 57 of 1997. The petitioner herein was declared as a cultivating tenant under the father of the respondent. No further appeal was preferred against the Judgment in

A.S.No. 57 of 1997.

7. The main contention of the learned counsel for the revision petitioner is that eviction had been ordered without the rent being determined. This Court at the time of admission had also granted stay of further proceedings. This contention has been reiterated during the arguments by the learned counsel for the petitioner herein.

8. A perusal of the order under revision shows that not only was the Presiding Officer put to much agony over the continued absence of the revision petitioner but the respondent herein also equally suffered at the manner in which the proceedings were protracted by the revision petitioner herein.

9. In the petition, it had been stated that the agreed rental with respect to the petition property was 15 bags of paddy per year. It had been stated that the default is about 255 bags of paddy from 16.01.1998 till the year 2016. One of the contentions raised by the revision petitioner was that he was not cultivating the lands since it was not necessary for him to

cultivate the lands as he was the owner of a huge property of not less than 10 kanies of land which he had purchased.

10. The proceedings as stated above was a long drawn affair. It was often torturous. The revision petitioner did not file counter for more than one year and the petition was reserved for orders. Then, an application was filed to reopen the case. That was allowed. It was then determined that the schedule property was to an extent to 3 kanis and had been taken on lease for 30 bags of paddy as rent, but that the petitioner was however cultivating only 47 kuzhi 10 veesam and has claimed that the rent can be only 5 bags of paddy. Thereafter again, the petitioner herein did not participate in the proceedings and again the matter was posted for orders on 12.07.2017. Once again a petition was filed to reopen the case that was also allowed. Thereafter, the respondent herein agreed to settle the matter amicably. However, settlement talks failed. The petitioner herein was given opportunity of nearly 7 hearing dates for cross examining the witness for the respondent. Once again, the matter was reserved for orders on 25.07.2018. Another application was then filed to reopen the case for cross examination. The application to reopen was dismissed and the matter was posted for

orders.

11. The Authority, after examining the evidence had held that the petitioner herein should pay by way of annual lease 5 bags of paddy or its equivalent cash and that it should be paid for the period from January 1998 till December 2015.

12. It was also found that the revision petitioner herein owns a huge property of not less than 10 kanies of land and is doing cultivating activities in that particular land and was deliberately not doing cultivation of the lands of the respondent and thereby the lands had gone waste. It was also directed that the petitioner herein should vacate the petition premises.

13. The order under revision suffers from no infirmity. It is well reasoned. The rent has been determined and therefore the stand of the learned counsel for the revision petitioner that the eviction was ordered without determination of the rent cannot be accepted.

C.V.KARTHIKEYAN, J.

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14. I find no reason to interfere with the said order.

15. In the result, this Civil Revision Petition is dismissed. No order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

16. Time of three months is granted to vacate and hand over vacant possession of the suit property to the respondent. The respondent is permitted to file further application for recovery of the annual lease rent.

09.07.2021

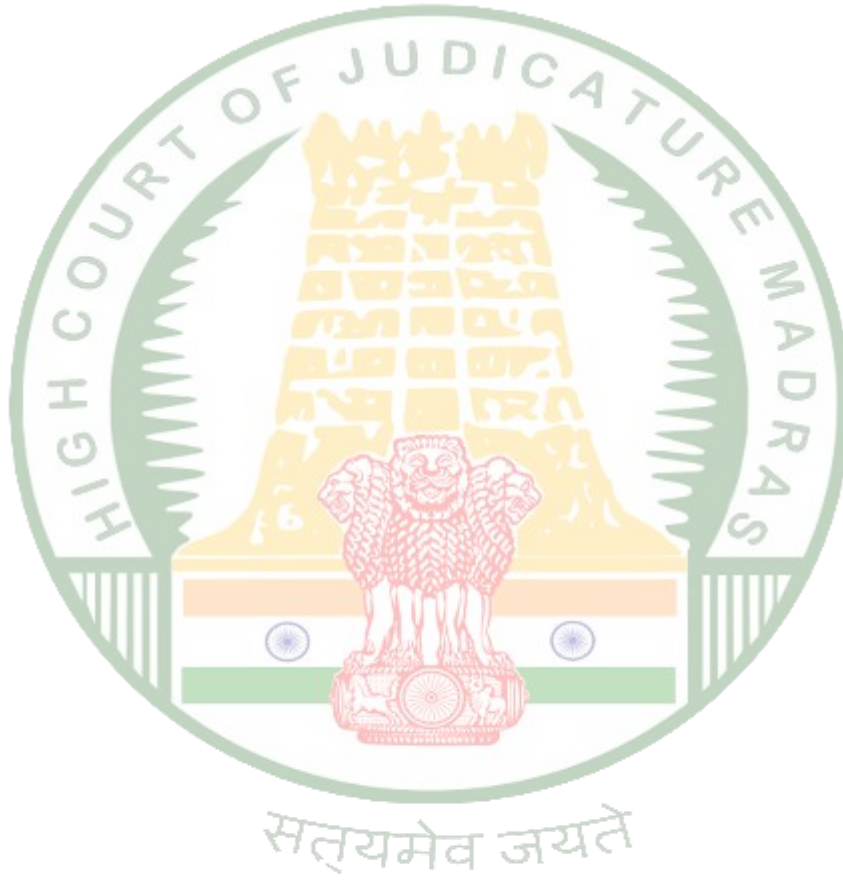
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Index: Yes/No

Internet: Yes/No.

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Pre-delivery Order made in
C.R.P. (PD) No. 57 of 2019
And
C.M.P.No. 569 of 2019



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