IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15020 of 2011
and
M.P.No.2 of 2011

1.V.Ramasamy

2.A.Pakkirisamy

3.R.Shanmugam

4.V.Thatchanamurthy ... Petitioners

Vs.

1. The Revenue Divisional Officer,
   College Road
   Mannargudi - 614 001.

2. The Tahsildar,
   Taluk Officer,
   Needamangalam

3. Ukkadai Chathiram Thanneerpanthal Trust,
   Represented by its Managing Trustees,
   Rajendrakumar,
   Ukkadai, Papanasam Taluk ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Order in Proceedings Na.Ka.514/2005 A3 dated 27.08.2010 passed by the first respondent and quash the same and directing the 2nd Respondent to refund the deposited amount with interest at 18% p.a. from the date of deposit.

For Petitioner	:	Mrs.A.Meenakshi Sundaram
For Respondents 1 & 2	:	Mr.C.Selvaraj
For Respondent 3	:	Mr.P.Parma Sivadoss.

ORDER

The Order dated 27.08.2010 passed by the Revenue Divisional Officer under Section 145 of the Criminal Procedure Code is under challenge in the present Writ Petition.

2. Section 145 proceedings are initiated on account of law and order problem created by the parties. The petitioner filed an application thereafter for refund of deposit. The said application was rejected by the Revenue Divisional Officer. The petitioner claims that he is a cultivating tenant in respect of the property belongs to the 3rd respondent, Trust. The dispute arose between the petitioner and the third parties and under those circumstances, Section 145 proceedings were initiated and the petitioner subsequently filed an application seeking refund of the deposited amount.

3. The Revenue Divisional Officer in the impugned order dated 27.08.2010 has stated that the application submitted by the petitioner was considered, the 145 proceedings initiated by the Sub-Divisional Magistrate was canceled by the High Court. The final order passed by the respondent on 04.09.2006 was also challenged by the parties in Criminal R.C.No.1134/05 and by order dated 12.02.2010, the said order was also canceled. Thus, the entire 145 proceedings were set aside.

4. Under those circumstances, in the absence of any order passed by the Sub Divisional Magistrate, the petitioner has to approach the competent Civil Court for the purpose of refund of deposit or otherwise.

5. This Court is of the considered opinion that the petitioner claims right as a cultivating tenant in respect of the immovable property. The petitioner states that he is cultivating the land belongs to the trust for many years. With reference to such right of cultivating tenancy, the High Court cannot adjudicate the issues in the Writ Petition under Article 226 of the Constitution of India. Elaborate adjudication of issues are eminent by scrutinizing the documents and evidences, if necessary through oral evidences.

6. Thus, the petitioner has to approach the competent Court of law for the purpose of adjudication of this issue. Unless the rights of the parties are crystallized, this Court may not be in a position to grant relief of refund of the deposit already made with reference to the issue pertaining to the cultivating tenants. Therefore, the findings of the Revenue Divisional Officer that the petitioner has to approach the competent Civil Court of law is in accordance with law and there

is no infirmity. Thus, the petitioner is at liberty to approach the competent Court of law for redressal of his grievances by establishing his civil rights in the manner known to law.

7. The Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

shr/Kan

To

1. The Revenue Divisonal Officer,
   College Road
   Mannargudi - 614001.

2. The Tahsildar,
   Taluk Officer,
   Needamangalam

W.P.No.15020 of 2011
and
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PMK(CO)
SU(02/12/2021)