

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.2917 of 2016

P.Marasamy

... Petitioner

Vs.

N.Nithyanandan

... Respondent

PRAYER: The Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure r/w Section 6 B of the Tamil Nadu Cultivating Tenants Protection Act 1955, to call for the records relating to the order dated 01.04.2016 (received on 12.08.2016) made in Petition No.2/2013 (Erode) on the file of the Special Deputy Collector, Revenue Court, Tiruchirapalli and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.V.P.K.Gowtham

ORDER

This Civil Revision Petition is directed as against the order order passed in Petition No.2/2013 (Erode) dated 01.04.2016 on the file of the Special Deputy Collector, Revenue Court, Tiruchirapalli, thereby, refusing

to register the petitioner's name as cultivating tenant in respect of the subject property.

2. The subject property originally belonged to G.K.K.Trust ad-measuring 3.75 acres. The petitioner's father was cultivating the same and his name was recorded as tenant under the Tamil Nadu Cultivating Tenants and Record of Tenancy Rights Act, 1969. While being so, in the year 1962, the petitioner's father purchased half share from G.K.K.Trust and for remaining share his name and also the respondent's father name were recorded as cultivating tenant. Thereafter, in the year 2012, the respondent purchased the remaining half portion ad-measuring 1.87 acres from G.K.K.Trust.

3. Though the petitioner's name was recorded as tenant for remaining portion of the property before it was purchased by the respondent, now it is rejected for the reason that while recording the name of the petitioner as tenant the extent of the property was not mentioned and only a survey number as S.No.158/5 was mentioned. Thereafter, the name of the petitioner and the name of the respondent's father were recorded as tenant in respect of

the property comprised in S.No.158/5 ad-measuring 1.87 acres. While being so, the respondent purchased an extent of 1.87 acres comprised in S.No.158/5 by the registered sale deed dated 03.02.2012 from the G.K.K. Trust in which boundary lines were categorically mentioned. Therefore, now the entire property purchased by the petitioner's father and the respondent herein. As such, the petitioner's name cannot be recorded as tenant for the extent of 1.87 acres comprised in S.No.158/5. The Revenue Court rightly rejected the same and this Court finds no infirmity or irregularity in the order passed by the said Court.

4. Accordingly, this Civil Revision Petition is dismissed. However, the petitioner is at liberty to approach the Court concerned for his possession and enjoyment of the property in respect of his share alone. No costs.

सत्यमेव जयते

04.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

Kv

To

The Special Deputy Collector, Revenue Court, Tiruchirapalli.



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