

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.4664 of 2019

AnbuChellayan

..Appellant

Vs.

1.J.Ramachandran
2.J.Lakshmanan
3.Tmt.C.Rani
4.Tmt.V.Rajeswari
5.Thiru.Krishnan

..Respondents

Prayer : Civil Miscellaneous Appeal filed under Article 227 of Constitution of India r/w Section 6B of the Tamilnadu Cultivating Tenant Protection Act, against the order dated 31.07.2019 in P.No.05 of 2017 on the file of Special Deputy Collector, Revenue Court, Nagapattinam.

For Appellant :Mr.N.Krishna Kumar

For Respondents:R1 to R5 - Mr.S.Sathiachandran
Mr.Aravind Gosh
Additional Government Pleader
(CS)

J U D G M E N T

The order dated 31.07.2019 passed in P.No.05 of 2017 on the file of the Special Deputy Collector, Revenue Court, Nagapattinam is under challenge in the present Civil Miscellaneous Appeal.

2. The appellant claims to be cultivating tenant and the respondent/landlords filed a Petition No.05 of 2017 before the Revenue Court, Nagapattinam for the relief of eviction from their cultivating land. The allegation against the appellant was that he was not cultivating the land nor paying the lease amount and therefore, he is liable to be evicted from the land belongs to the respondents/landlord. This apart, there was an allegation of sub lease by the appellant with reference to the lands belong to the respondents/landlord.

3. The Special Deputy Collector / Revenue Court, Nagapattinam, adjudicated the issues with reference to the documents and evidences. The Special Deputy Collector elaborately considered the pleadings as well as the evidences. Various documents were marked. The respondents have filed all the title deeds as well as the Revenue Records. However, the appellant filed one Document dated 07.03.1980 i.e., the sale agreement. Except the sale agreement, the appellant could not able to file any other document to establish his right with reference to the subject properties. Based on the documents filed by the respondents, the Special Deputy Collector, Revenue Court, adjudicated the issues and made a categorical finding that the respondents herein are the landlords and further, the appellant claims to be an agreement holder, who in turn, had not approached any competent Court of law for any relief. Contrarily, he is in possession of the property in an illegal manner without even paying the lease amount and further, he submit the lands in favour of the unknown persons.

4. However, the Special Deputy Collector made a finding that the appellant is the leaseholder from their forefathers period and however, he has not paid the lease amount or the benefits to the landlords for many years. The appellant could not able to submit any proof to establish that he has paid the lease amount or the benefits to the landlords. As far as the sale agreement is concerned, no actions were initiated by the appellant, despite the fact that the said sale agreement was entered into between the parties on 07.03.1980 and therefore, the said sale agreement also became lapsed. Accordingly, no actions were taken to execute the sale agreement and thus, the Special Deputy Collector, Revenue Court arrived a conclusion that the appellant should pay the lease amount on or before 29.08.2019, failing which, appropriate actions will be taken to evict the appellant from the lands belonged to the respondents/landlords.

5. Even before this Court, the appellant could not able to establish that he has paid the lease amount. Admittedly, the respondents are the landlords and the appellant is a cultivating tenant from the basis of his father and further, the appellant could not able to establish that he is cultivating the lands regularly and paying the lease amount to the land lords. In the absence of proof to that effect, this Court do not find any perversity or infirmity with reference to the order passed by the Special Deputy Collector, Revenue Court, Nagapattinam.

6. Mr.Aravind Gosh, learned Additional Government Pleader(CS), after getting instructions and relevant documents from the Revenue Department, submitted the copies of the Revenue records(Patta), which clearly indicates that the respondents are the owners of the subject property. Thus, even now the respondents are the absolute owners of the subject property and therefore, they have got every right to seek the eviction of the appellant from their lands as he has not established that he paid the lease amount or the benefits for past many years.

7. In this view of the matter, the appellant is liable to be evicted from the lands and the possession is to be handed over to the respondents/landlords. The appellant lost his right to continue the possession in respect of the lands belong to the respondents/landlords and therefore, all appropriate actions are to be taken to evict the appellant from the subject lands.

8. In this view of the matter, the order dated 31.07.2019 passed in P.No.05 of 2017 stands confirmed and the Civil Miscellaneous Appeal in C.M.A.No.4664 of 2019 stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Special Deputy Collector,
Revenue Court,
Nagapattinam.

+1 cc to M/s.S.Sathyachandran, Advocate Sr.No. 15086

C.M.A.No.4664 of 2019

RSV(CO)
RMP(09/04/2021)