



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM

WEB COPY

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P.(MD) (NPD) No.574 of 2021
and C.M.P(MD)No.3100 of 2021

1.S.Sarangapani
2.S.Sasikala
3.S.Sakthivel
4.S.Santhi
5.S.Saravanan

Petitioners 2 to 5 herein
are represented by their
power agent S.Sarangapani
1st petitioner herein

... Petitioners/Petitioners

-Vs-

V.S.Sampath

...Respondent/Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to call for the records relating to the impugned order dated 21.01.2020 made in FRP.No.2/2019 passed by the Revenue Court (Special Sub Collector), Thanjavur, fixing the fair rent for the leasehold land belonging to the petitioners, set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.P.Vadivel

O R D E R

This Civil Revision Petition has been filed to call for the records relating to the impugned order dated 21.01.2020 made in FRP.No.2/2019 passed by the Revenue Court (Special Sub Collector), Thanjavur, fixing the fair rent for the leasehold land belonging to the petitioners and set aside the same.

2.The learned counsel for the petitioners would state that in last paragraph of the order passed in FRP.No.2 of 2019, the Special Sub Collector, Revenue Court, Thanjavur has specifically observed that if any party has objection in relation to the order passed by the Revenue Court, the aggrieved party can file an appeal before the High Court. Based on the said observation, the petitioner has approached this Court by filing the present Civil



3. The learned counsel, pointing out Section 9(2) of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956, Act XXIV of 1956, submitted that the petitioners are not able to file an appeal before the Principal District Court since revision shall not lie before this Court. Section 9(2) of the Act reads as follows:

" 9.Application to Rent Courts and appeals to Rent Tribunals: (1)....

(2).From every decision of a Rent Court, an appeal shall, within such time as may be prescribed, lie to the Rent Tribunal whose decision shall be final, subject to revision, if any, under Section 11".

4. Heard the learned counsel for the petitioners and perused the materials available on records.

5. As per Section 9(2) of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956, Act XXIV of 1956, a revision shall lie before the High Court only against the order passed by the Principal District Court. Therefore, the petitioners have to go before the Principal District Court for filing an appeal under Section 9(2) of the Act. But, the petitioners have filed the present revision only based on wrong observation made by the Revenue Court. Hence, this Court gives liberty to the petitioners to file an appeal before the Principal District Court. In the event of filing an appeal before the Principal District Court, the period, on which the matter was pending before this Court, will be excluded for the purpose of limitation, if any.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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



To,

1. The Special Sub Collector
Revenue Court ,
Thanjavur.

2.The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.VADIVEL, Advocate (SR-14548[F] dated 30/03/2021)

C.R.P. (MD) No.574 of 2021
and C.M.P (MD) No.3100 of 2021
30.03.2021

VB (04/05/2021) 3P / 5c