



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19161 of 2021

A.Sekar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

3.The Tashildhar,
Thovalai Taluk,
Boothapandi & Post,
Kanyakumari District.

4.T.Sri Krishna Perumal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent for considering the representation of the petitioner, dated 27.08.2021, and afford protection to the petitioner for continuing his cultivation in the property in Re-Survey No.687/17B of Shanmugapuram Village, Thovalai Taluk, Kanyakumari District.

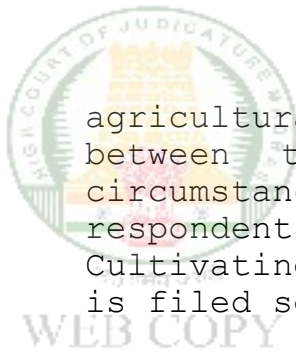
For Petitioner
For R1 to R3

: Mr.J.John Jayakumar
: Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction to the second respondent to consider his representation dated 27.08.2021 and provide protection for continuing cultivation in the property bearing Re-Survey No.687/17B at Shanmugapuram Village, Thovalai Taluk, Kanyakumari District.

2.The petitioner states that he entered into a lease agreement with the fourth respondent. Pursuant thereto, it is stated that he planted mango and coconut trees on the property and is carrying on



agricultural activities thereon. A dispute appears to have arisen as between the petitioner and the fourth respondent. In such circumstances, the petitioner filed a petition before the second respondent on 27.08.2021 under Section 4 of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The present writ petition is filed seeking the consideration and disposal of such petition.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that grievances by a cultivating tenant with regard to disputes between the land owner and the cultivating tenant should be raised before the jurisdictional Tahsildar. He also submits that a specific format is prescribed in relation thereto. Therefore, he submits that if such a petition is filed before the Tashildar, the same would be considered and disposed of.

4.On perusal of Section 4 of the Tamil Nadu Cultivating Tenants Protection Act, 1955, the said provision appears to confer jurisdiction on the Revenue Divisional Officer to consider a petition for restoration of possession at the instance of a cultivating tenant. Needless to say, such petition should be considered after putting the fourth respondent on notice.

5.Accordingly, W.P.(MD).No.19161 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 27.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the fourth respondent herein. On account of the fact that the merits of the matter have not been gone into and because the second respondent has been directed to provide a reasonable opportunity to the fourth respondent before taking a decision, the Writ Petition is disposed of without notice to the fourth respondent. However, there will be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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.



To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

3.The Tashildhar,
Thovalai Taluk,
Boothapandi & Post,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-33211[F] dated 29/10/2021)

+1 CC to M/s.J.JOHN JAYA KUMAR, Advocate (SR-33077[F] dated
28/10/2021)

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28.10.2021

SR (CO)
KB (12.11.2021) 3P 6C