



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 08.07.2021

PRONOUNCED ON : 16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP (PD) (MD) No.1013 of 2014

(Through Video Conferencing)

Natarajan

...Petitioner/Petitioner

Vs

1.John Joseph

2.Kanagaraj

...Respondents/Respondents

Prayer:- This Civil Revision Petition has been filed Under Article 227 of the constitution of India against the the order dated, 17.09.2013, passed in P.No.33 of 2008, by the Special Deputy Collector cum Revenue Court, Thanjavur.

For Petitioner : Mr.P.Arumugarajan

For Respondents : Mr.K.Kumaravel

ORDER

- 1.This Civil Revision Petition has been filed, against the the order dated, 17.09.2013, passed in P.No.33 of 2008, by the Special Deputy Collector cum Revenue Court, Thanjavur.
- 2.The facts of the case, in a nutshell, are that the Petitioner had filed the above petition before the Revenue Court, stating that he is the landlord and the Respondents are the lessees under him and that since they are damaging the lands without cultivation, the Respondents should be evicted from his lands and the lands should be handed over to him. Since the said petition was dismissed by the impugned order, this Civil Revision Petition has been filed.
- 3.The learned counsel for the Petitioner has submitted that even though the Respondents admit that the Petitioner is the owner of the land and they did not cultivate the lands for several years, without considering the documents filed by the Petitioner, the court below erred in dismissing the petition on the ground that the Petitioner is not the owner and hence, the impugned order is liable to be dismissed.
- 4.The learned counsel for the Respondents has submitted that the Respondents are the lessees for several years in respect of the lands in question and that they have been cultivating the land and that only in order to evict them, the petition was filed and hence, this Civil Revision Petition is liable to be dismissed.



- 5.This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
- 6.The contention of the Petitioner is that without cultivation, the lands are being damaged by the Respondents, but, it is case of the Respondents that they are cultivating the lands in question.
- 7.The court below, considering the materials produced on either side, has held that the petitioner has not proved the ownership of lands by valid documents and that the details of the period, during which, cultivation was not done are not given by the Petitioner and on the other hand, the Respondents have proved their case, by producing adangal extract that the lands in question were cultivated and further held that the Petitioner has failed to prove his contention that the Respondents had damaged the lands in question without cultivation, by valid documents. Hence, rejecting the contention of the Petitioner, the court below had rightly dismissed the application, by the impugned order, which warrants no interference.
- 8.In fine, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

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Sub Assistant Registrar(CS)

Srcm

To

1.The Special Deputy Collector cum Revenue Court, Thanjavur

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-22820[F] dated 16/07/2021)

+1 CC to M/s.P.ARUMUGARAJAN, Advocate (SR-22993[F] dated 16/07/2021)

Order in
CRP (PD) (MD)No.1013 of 2014
16.07.2021

CN(09.08.2021) 2P 4C