



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.01.2021

CORAM

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THE HONOURABLE MR.JUSTICE **R. SUBRAMANIAN**

C.R.P. (MD) (NPD)No.457 of 2014
and
M.P. (MD)No.1 of 2014

1.M.V.Senthilkumar
2.Mangammal
3.Soundaram
4.Subramaniam

: Revision Petitioners/Petitioner/
Petitioner

Vs.

M.N.Kaliappan (Died)
1.Mallika
2.Anandhi

: Respondents/Respondents/Land lords

PRAYER:- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records in M.P.No.104 of 2010 in A.P.No.5 of 2005 on the file of the Special Deputy Collector, Revenue Court, Tiruchirapalli, and to set aside the order in M.P.No.104 of 2010, dated 11.11.2011 and allowed the petitioners to deposit the arrears of rent due to the respondents for the Fasali year 1412 to 1419.

For Petitioner
For Respondent

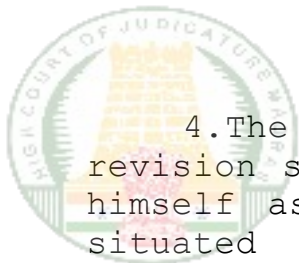
:Mr.S.Alagarsamy
:No appearance

ORDER

This revision has been filed against the order of the Revenue Divisional Officer made in M.P.No.104 of 2010 filed under Section 3(3)(a) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, seeking to deposit the rent before the said authority.

2.The authority had refused to entertain the said application on the ground that the appeal filed by the landlord, against the order recording the petitioner as a tenant, is pending.

3.Heard Mr.S.Alagarsamy, learned Counsel for the petitioner. The respondents are not appearing either in person or through Counsel duly instructed, despite service of notice.



4.The original proceedings in M.P.No.104 of 2010 and this revision smack of *mala fides*. The petitioner sought for recording himself as a tenant of an extent of 2 Acres 14 cents of land situated at S.No.26/3A and 26/3B in Mathampalayam Village, Sathiyamangalam Taluk. The said application was filed against the two individuals, namely, M.N.Kaliappan and Muthusamy, The first petitioner would claim that he became a tenant under one M.N.Venkatachalam, who is his own brother. In the said proceedings, the first respondent, namely, M.N.Kaliappan, filed a statement disclosing that he had sold the property subject matter of the above original petition, in favour of one Muthusamy, second respondent in the said petition even three years prior to the date of filing of the statement and therefore, he should be relieved from the proceedings.

5.Since the second respondent, namely, Muthusamy, did not appear, the Record Officer allowed the said application *ex parte*. It is also seen that Muthusamy has filed an appeal in A.P.No.5 of 2005 against the said order of Recording Officer, dated 27.04.2001 and pending said appeal before the appropriate authority, he has filed M.P.No.104 of 2010 in A.P.No.5 of 2005 seeking an order to deposit the rent in Court in respect of Fasali 1412 to 1419 on the ground that the landlord has refused to receive the rent.

6.Curiously, in this petition, the petitioner has not chosen to implead the said Muthusamy, who is the owner of the property. He has chosen to implead his own paternal uncle, M.N.Kaliappan, describing him as deceased, his wife and daughter. No doubt, the reasoning of the authority may be incorrect. But, I find that this petition itself has been filed against the persons, who have no interest in over the property.

7.More over, the application filed under Section 3(3)(a) of the Act has to be filed within a period of one month from the date on which the rent fell due. The petition has been filed to deposit the rent accrued for nearly seven Fasalis at the same time. Therefore, this petition is clearly not maintainable and the authority was justified in dismissing the same. I do not see any ground to entertain this revision and accordingly, this revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

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/ /2021

Sub Assistant Registrar(CS)



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To

1.The Special Deputy Collector, Revenue Court, Tiruchirapalli.

2.The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court,

Madurai(2 copies).

C.R.P. (MD) No.457 of 2014

06.01.2021

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sj (CO)

TR(21.01.2021) 3P 4C