



W.P.No.17741 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17741 of 2012
and MP.No.1 of 2012

Govindasamy

..Petitioner

Vs.

1.The Collector,
Ariyalur.

2.The District Revenue Officer,
Ariyalur.

3.The Assistant Commissioner,
Revenue Court, Trichy.

4.Tenancy Record Officer-cum-Tahsildar,
Jayamkondan.

5.Premavalli

6.Asokan

...Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Calling for the records of the 2nd respondent in his proceedings bearing Na.Ka. No.B2/ 9231/2011 dated 27.4.2012 and quash the same.



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For Petitioner : Mr.S.Mukunth
For R1 to R4 : Mr.U.Baranidharan
Additional Government Pleader
For R5 : Mr.T.Dhanyakumar
For R6 : Mr.E.Mohammed Abbas

ORDER

This petition has been filed for issuance of writ of Certiorari Calling for the records of the 2nd respondent dated 27.4.2012 and quash the same.

2. The case of the petitioner is that he is a cultivating tenant under the respondents 5 and 6 and is in possession of the lands situated in S.F.No.416/5 measuring an extent of 0.26.5 hectare and in S.F.No.420/1A measuring an extent of 0.35.0 hectare in Suriyamanal Village of Udayarpalayam Taluk in Ariyalur District and the petitioner is entitled to all protection under the Tamil Nadu Cultivating Tenants Protection Act, 1969 and therefore he moved application before the 4th respondent to include his name as a cultivating tenant, however his application was dismissed by the said official and thereafter, he



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preferred appeal to the 3rd respondent and the 3rd respondent without giving any opportunity to the petitioner has confirmed the order passed by the 4th respondent and dismissed the appeal. Against the dismissal, the petitioner has preferred revision on the file of the 2nd respondent and further during enquiry, the respondents 5 and 6 had produced a copy of the proceedings in CRPNO.873/2012, which has no relevancy to the case pending on the file of the 2nd respondent and the said Civil Revision Petition arises out of an order passed in I.A.No.959 of 2011 to reject the petitioner's Suit in O.S.No.221/2011, which was filed by the petitioner against the respondents 5 and 6 and two others for a bare injunction to protect his possession. Aggrieved by the rejection order of the 2nd respondent, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that a Suit in O.S.No.221/2011, on the file of the District Munsif Court, Jeyamkondan, filed by the petitioner is still pending and since there is a property dispute between the parties and a Civil Suit is pending in that regard before the Trial Court, this Court may grant liberty to the



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petitioner to canvass all the points before the Trial Court and may grant further liberty to the succeeding parties to file a fresh application before the appropriate authority after disposal of the Suit.

4. The learned Additional Government Pleader has no serious objections to the said order being passed.

5. This Court has carefully considered the submissions of the learned counsel for the petitioner and also perused the materials available on record.

6. Admittedly there is a property dispute between the petitioner and the private respondents and the same was landed before the District Munsif Court, Jeyamkondan in O.S.No.221/2011 and when the suit is pending with regard to the subject property, the revenue officials have no power to decide the issue and hence, the parties are granted liberty to canvass all the points before the Trial Court in the above said pending Suit and further the Trial Court shall decide the Suit independently



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without being influenced by any of the earlier orders and further liberty is granted to the succeeding party in the pending Suit to file a fresh application before the Revenue officials.

6. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

24.11.2022

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To

- 1.The Collector,
Ariyalur.
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Ariyalur.
- 3.The Assistant Commissioner,
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- 4.Tenancy Record Officer-cum-Tahsildar,
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M.DHANDAPANI.,J.

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