



W.P. No.36171 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 36171 of 2016
and WMP.No.31129 of 2016

Ranganathan

... Petitioner

Vs.

1. The District Collector
Dharmapuri District, Dharmapuri.

2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

3. The Tahsildar,
Pennagaram Taluk,
Pennagaram, Dharmapuri District.

4. P.R.Nachimuthammal

5. Nasar Basha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus Directing the respondents to include the name of the 5th respondent in the tenancy record as per provision of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act and protect the rights of the petitioner as per the order dated 28.11.1996 in Mu.Mu. No.5424/96.



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For Petitioner : Mr. M.Selvam

For Respondents : Mr.U.Bharanidharan, AGP RR1 to 3
Mr.I.Abrar Md. Abdullah for RR4 & 5

ORDER

The writ petition has been filed seeking a direction to the respondents to include the name of the 5th respondent in the tenancy record as per provision of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act and protect the rights of the petitioner as per the order dated 28.11.1996 in Mu.Mu. No.5424/96.

2. The case of the petitioner is that the petitioner is a cultivating tenant under the 4th respondent in S.No.125/1 of Pennagaram Village. The petitioner is in possession and enjoyment of the same for the past 70 years. In the year 1995, the pattadarar of the land took steps to evict the petitioner and all the other tenants in respect of the land. The matter came up before the 3rd respondent. The 3rd respondent after enquiry and survey passed the order dated 28.11.1996 allowed the petitioner and other tenants to enjoy the land. Aggrieved by the said order, the 4th respondent preferred an appeal before the appellate authority. The appellate authority vide its order dated 16.06.1997, dismissed the appeal confirming the order of the 3rd respondent. But the 5th respondent purporting to have purchased the land from the 4th respondent,



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has come to the land and demanded the petitioner to hand over the possession to them. Since the 5th respondent is trying to evict the petitioner in the subject properties, the petitioner has made a representation on 06.08.2016 requesting the respondents 1 to 3 to take appropriate action to prevent the 5th respondent from taking any illegal measure to evict the petitioner and other tenants. However, till date, the respondents have not taken any action and hence, the present writ petition has been filed seeking an alternative remedy.

3. Learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioner's representation and to include the name of the 5th respondent in the tenancy record as per the Provision of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act and protect the rights of the petitioner as per the order dated 28.11.1996 within the stipulated time as fixed by this Court.

4. Per contra, the learned Addl. Government Pleader, on instructions, submitted that the 5th respondent has already filed a suit in O.S.No.238 to 240 of 1999 on the file of the District Munsif Court, Pennagaram for declaration and permanent injunction and the said suit was decreed on 22.04.2013 in favour of the 5th respondent.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the fact that the 4th and 5th respondents are being owner of the land, as per the above said decree, have filed a suit and the same was ended in their favour and hence, the prayer sought for by the petitioner cannot be granted and the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order : Yes / No

To

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M.DHANDAPANI, J.

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