



WEB COPY



C.R.P. (NPD) .No.2698 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2698 of 2021

and

C.M.P.No.19811 of 2021

Chinnamuthu (Deceased)

1.Kanniammal

2.Muniammal

3.Munusamy

4.Lakshmi

5.Raja

6.Muthu

7,Rathna

8.Amudha

.. Petitioners

Vs.

Kamaleshan @ Shanmugan (Deceased)

Janakiammal (Deceased)

1.Selvi

2.Saratha

Page No.1/4



C.R.P. (NPD) .No.2698 of 2021

3.Palanivel

4.Govindarajan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order made in E.P.No.2 of 2010, E.A.No.26 of 2011, M.P.No.5 of 2021 in O.P.No.1 of 1982 dated 17.09.2021 passed by the Revenue Court, Thiruchirappali.

For Petitioners : Mr.T.Mohan
for Mr.G.Mutharasu

ORDER

This Revision is directed against the order of delivery passed by the Revenue Court in execution of order of eviction passed under the Tamil Nadu Cultivating Tenants Protection Act, 1955.

2. This is a classic case where the eviction proceedings initiated in 1982 by the landlord have gone on for nearly 40 years and both the original landlord and the tenant are no more. So, the litigation itself is in second generation now.

Page No.2/4



C.R.P. (NPD) .No.2698 of 2021

3. Though several contentions were attempted to be raised by Mr.T.Mohan, learned counsel appearing for the petitioners/ legal heirs of the tenant the only contention of some substance is that, by an order dated 07.12.1995, the Revenue Court had held that proceedings for delivery could be taken only after sub-division of property in question. However, in CRP.No.4424 of 2011, this Court had held that the Revenue Authority will demarcate the property and hand over to the respondents at the time of delivery. The order of this Court in CRP.No.4424 of 2011 has become final.

4. I therefore do not see any reason to interfere with the order of delivery passed by the Revenue Court, excepting to observe that while effecting delivery of the property, the Revenue Officials will demarcate 6.91 acres of land that belongs to the landlords and effect delivery of the same. Accordingly, this Revision is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.



C.R.P. (NPD) .No.2698 of 2021

R.SUBRAMANIAN, J.

WEB COPY

dsa

5. The proceedings for delivery shall be completed by 15.03.2022 and the Revenue Court is directed to file a report of compliance before this Court by 26.03.2022.

6. Post for compliance on 28.03.2022.

11.01.2022

dsa

Index : No

Internet :Yes

Speaking order

To

The Revenue Judge, Thiruchirappalli.

C.R.P.(NPD).No.2698 of 2021

Page No.4/4