



W.P.No.30114 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30114 of 2022

and

W.M.P.No.29546 and 29547 of 2022

1. N. Subramaniyan

... Petitioner

Vs

1. The District Revenue officer,
Office of the District Revenue,
Thirupur.

2. Revenue Court Special Deputy Collector,
(Revenue Court)
Thiruchirapalli.

3. Revenue Tahsildar cum
Tenancy Registration Authority,
Palladam.

4. P.L. Meenatchi Sundharam

5. N.M.Thangavel

6. R. Preetham

..Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in the proceedings No.Mae.Mu.No.12/2018 (Tirupur) dated 30.08.2022 insofar as the portion of observation made in respect of directing the 3rd respondent to evict the petitioner from the property in page No.8 of the impugned order dated 30.08.2022 to quash the same and further direct the first respondent to dispose off the Revision No.027613 of 2022 dated 02.11.2022 filed by the petitioner and pass orders.

For Petitioner : Mr.M. RajaSekhar

For Respondents 1 to 3 : Mr. U.Baranidharan
Additional Government Pleader

For Respondent 5 : Mr.A. Ramanan

ORDER

This writ petition is filed seeking for a direction to dispose off the Revision No.027613 of 2022 dated 02.11.2022 filed by the petitioner.

2. The case of the petitioner is that originally the subject property belongs to one PALA C. Ramasivasamy Chettiar and the petitioner's father took the property for lease from the said Ramasivasamy Chettiar and after his demise petitioner's father was paying rents to his legal heirs namely Ramanatha Chettiar, Pazhaniyappa Chettiar and Sivandiyar Chettiar. The said Ramanatha Chettiar sold his share of the property. When this being the case there was a dispossession from the legal heirs of the Pazhaniyappa



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Chettiar and Sivandiyar Chettiar. Due to which the petitioner's father filed a suit in O.S.No.147 of 2014 for a bare permanent injunction. Pending suit the legal heirs of the Sivandiyar Chettiyar sold their undivided 1/3rd share. Thereafter the petitioner filed an application under Tamil Nadu Agricultural Lands Record of Tenancy Rights Act 1969 (Act 10 of 1969) for registering the tenancy rights over the land before the 3rd respondent and also filed a civil suit in O.S.No.326 of 2018 before the learned II Additional District Judge at Tirupur. In the meanwhile the 3rd respondent passed an order on 03.10.2018 and directed the petitioner to pay the arrears of lease amount to the Revenue Court in the application filed by the petitioner regarding the tenancy rights over the land.

2.1. Aggrieved over the order dated 03.10.2018 the private respondents herein filed an appeal before the second respondent, who has set aside the order passed by the 3rd respondent and allowed the appeal and directed that if the petitioner has any grievance there was statutory remedy available before the first respondent hence, the petitioner filed an statutory Revision before the first respondent on 02.11.2022 and the same was pending. Hence the petition.



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3.The learned counsel for the petitioner submits that in the order dated 30.08.2022 passed by the second respondent there was a direction to the petitioner to evict from the subject property, which is not sustainable. Hence prays this Court for appropriate orders.

4.The learned Additional Government pleader appearing for the respondents would submit that the Revision filed by the petitioner will be disposed on merits and accordance with law as early as possible.

5.Heard both sides and perused the materials available on record.

6. Admittedly the facts of the case is not in dispute. The petitioner has filed a application under Tamil Nadu Agricultural Lands Record of Tenancy Rights Act 1969 (Act 10 of 1969) for registering the tenancy rights over the land before the 3rd respondent and the same was disposed on 03.10.2018 with a direction to the petitioner to pay the arrears of lease amount to the Revenue Court. Aggrieved over the same the petitioner filed an appeal before the second respondent, who allowed the appeal and set aside the order passed by the 3rd respondent with a direction that if the petitioner has any



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grievance in the order he can file a statutory revision before the first respondent within a period of 90 days and the petitioner also filed a revision before 90 days.

7.In view of the above this Court issues a direction to the first respondent to dispose the Revision petition filed by the petitioner on merits and in accordance with law after providing an opportunity of hearing to the petitioner as well to the private respondents. The said exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above observation this writ petition stands disposed of. No order as to costs. Consequently the connected miscellaneous petition are closed.

11.11.2022

smn
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.

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