



C.R.P. No. 3033 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3033 of 2017

M.Venkatachalam
S/o. Murugaia samban

... Petitioner

Versus

The Managing Trustee,
Pudhupalli Dharga,
Kodikalpalayam,
Tiruvarur Taluk and Dt.

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 28.02.2017 made in Review Petition No.2 of 2015 on the file of Principal District Judge, Tiruvarur confirming the order dated 08.10.2014 made in P.T.No.191/1999 on the file of the Revenue Court/Special Deputy Collector, Tiruvarur.



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For Petitioner : Mr.C.Munusamy
For Respondent : Mr.V.Jeevagiridharan

ORDER

Challenging the order passed in Review Petition No.2 of 2015 by the learned Principal District Judge, Tiruvarur, the petitioner preferred this Civil Revision Petition.

2. The said review petition was filed by him to set aside the findings given in P.T.No.191/1999 on 08.10.2014 by the Sub-Collector of Revenue Court, Tiruvarur. As per facts, the land belongs to Pudhupalli Dharga/respondent herein and as a cultivating tenant, he has not paid the lease amount. Hence, for eviction, the respondent preferred petition and the same was allowed. On hearing both sides, the said application was dismissed holding that inspite of opportunity given to the tenant/petitioner, he has not appeared before the revenue authorities nor he paid the lease amount. Hence, by invoking Sec.3(4)(a) of Public Trust Act, enquiry was



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conducted and he was directed to vacate the property. However, while disposing the said application, the learned judge found that there is arrears of lease amount of Rs.11,647/-, which is to be paid by the tenant. In spite of opportunity, he has not paid the lease amount. Furthermore, the petitioner, being a Government servant not entitled to avail remedy under the Tenancy Protection Act. Accordingly, the Review Petition was dismissed. Challenging the said findings, the petitioner preferred this Civil Revision Petition.

3. At the time of argument, the learned counsel for respondent submitted that he was a Village Assistant and in the year of 2002, he retired and drawing pension. At the time of filing eviction proceedings, he was a Government servant. Hence, the trial judge rightly held that he is not entitled to avail remedy under the Tenancy Protection Act, however, in spite of opportunity, it was not denied by the Revision Petitioner. Hence, the reasons assigned by the trial judge as such is maintainable, which needs no interference. Accordingly, this Civil Revision Petition is dismissed as no merits. Time for the period of six months granted to the petitioner to vacate



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the property. No costs.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

Principal District Judge,
Tiruvarur.



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T.V.THAMILSELVI, J.

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