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Rev.Appln Nos.42 to 49 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Review Application Nos.42 to 49 of 2017
against C.R.P.(NPD) Nos.1965 to 1968,
2141, 2142, 2784 & 2785 of 2012
and M.P.Nos.1, 1, 1, 1, 1, 1 & 1 of 2012

Review Application No.42 of 2017:

- 1) Saroja
- 2) J.Selvam
- 3) J.Sugumar
- 4) J.Senthil

(wrongly noted as Selvam in the Order)

...Petitioners/ Respondents
Cultivating Tenants

Vs.

1. The Assistant Commissioner,
(Revenue Court), Tirichirappalli,
Camp at Lalgudi,
Trichy District.

...Respondent/Respondent
Presiding Officer

2. Sendurai Block Government Employees Federation,
Substituted as Rep. by its Coordinator,
D.Chinnasamy,
Mela Street, Kumizhiyam Village,
Udaiyarpalayam Via,
Ariyalur District.

...Respondent/Respondent
Alleged Land Owner

**** Amended vide Court order dated 23.01.2021 made in C.M.P.No.19374/19 in Rev.Petition No.42 of 2017.***



Rev.Appln Nos.42 to 49 of 2017

COMMON PRAYER: Review Applications have been filed under Order XLVII Rule 1 and Section 114 of C.P.C. against the common order passed by this Court in C.R.P.No.1965 of 2012 dated 28.11.2012.

In all applications:

For Applicants	:	Mr.M.Munusamy For Mr.G.Ilamurugu
For R-1	:	M/s.Akila Rajendran, Govt. Advocate
For R-2	:	M/s.T.Aananthi

COMMON ORDER

Since all these review applications have been filed against the common order passed by this Court in C.R.P.No.1965 of 2012 (batch) dated 28.11.2012, these review applications are disposed of by this common order.

2. Before the Revenue Court, Tirichirappalli, the Government Employees Federation, Senthurai Block, Senthurai, represented by its President, filed petitions 8, 10, 11, 17, 7, 13 of 2011 under Section 3(2)(b) of the Cultivating Tenants Protection Act, 1955, praying to pass an order of eviction of the respondents/ tenants from the schedule mentioned lands, by putting the petitioners in possession.

3. Upon hearing both sides and letting in evidence, both oral and



Rev.Appln Nos.42 to 49 of 2017

documentary, accepting the contentions raised by the Federation, who were the petitioners before the Revenue Court that they are the owners of the lands and the patta was in the name of the Federation's President and also no cultivation took place during the Fasli years 1414 to 1418, resulting in the lands losing their value, nature and fertility, which was further substantiated through Exhibits A5 to A9, the Revenue Court, thus, ordered eviction of the tenants/petitioners herein, on the ground that no acceptable contra evidence was let in by the tenants to prove that Exhibits A4 to A9 were fake documents.

4. Aggrieved by the orders passed by the Assistant Commissioner (Revenue Court), Tiruchirappalli, Camp at Lalgudi, Trichy District, the respondents therein//tenants preferred Civil Revision Petitions before this Court against the orders, dated 04.04.2012 and 24.08.2011 passed by the Assistant Commissioner (Revenue Court, Tiruchirappalli, Camp at Lalgudi, Trichy District made in P.Nos.8 of 2011, 10/11, 11/11, 17/11, 7/11, 13/11 (in C.R.P.Nos.1965 to 1968, 2141 & 2142 of 2012 and in P.Nos.15/11 & 16/11 in C.R.P.Nos.2784 & 2785 of 2012 respectively.

5. This Court, after considering the order passed by the Assistant



Rev.Appln Nos.42 to 49 of 2017

Commissioner, (Revenue Court), Tirichirappalli, Camp at Lalgudi, Trichy

District, found no merits to interfere with the orders of the Revenue Court and dismissed the Civil Revision Petitions filed by the revision petitioners/tenants. Aggrieved against the said dismissal order, the petitioners/tenanats have preferred the present Review Applications against the common order, dated 28.11.2012 passed by this Court.

6. The learned counsel for the review applicants/review petitioners contended that the Revenue Court specifically posed a question, as to whether the tenants cultivated the lands during the relevant period, for which, the learned counsel for the Federation submitted that there was no cultivation and the lands were barren lands. The learned counsel for the tenants/revision petitioners denied the above submission and contended that the lands were cultivated after rains but there was no evidence available to prove the same and further stated that there was disturbance by the police, and the authorities destroyed the yields and false entries made as if there was no cultivation in the said lands.

7. Heard the learned counsel for the petitioners and the learned counsel



Rev.Appln Nos.42 to 49 of 2017

for the respondent Federation and perused the materials placed before this Court.

8. It is very clear that the Revenue Court found that, if at all there was any cultivation in the said lands and there was disturbance by anybody, then the review petitioners/tenants ought to have filed a complaint or a petition but that was not done. Therefore, after going by the logical reasoning of the Revenue Court and on consideration of all the points raised by the learned counsel for the tenants/revision petitioners as well as the respondent Federation in the Civil Revision Petitions, this Court dismissed the Civil Revision Petitions by common order dated 28.11.2012. Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived. There is no error on the face of record. The present review petition is beyond the scope of Order 47 Rule 1 of the C.P.C. Consequently, this review petition fails and is hereby dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sts

15.03.2022

Speaking Order / Non-speaking order
Index : Yes / No Internet : Yes/No



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Rev.Appln Nos.42 to 49 of 2017

J.NISHA BANU, J.,
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Order made in
Review Application Nos.42 to 49 of 2017

Dated:
15.03.2022