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CRP.223 and 235 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.08.2022

RONOUNCED ON : 14.10.2022

C O R A M :

The Hon'ble Mrs. Justice **J. NISHA BANU**

Civil Revision Petition Nos.223 and 235 of 2019

Parthasarathy

..Petitioner/tenant/respondent
in both CRPs

Vs

Ramesh @ Ilango

..Respondent/Landlord/Petitioner
in both CRPs.

PRAYER: Civil Revision Petition filed under Section 115 of CPC seeking to set aside the fair order dated 26.09.2018 passed in PTCPA No.22 of 1990 on the file of Revenue Court, Puducherry Sub Division (South) Villianur.

For Petitioner

in both CRPs : Ms.A.B.Reehana Begum

For respondent



WEB COPY



CRP.223 and 235 of 2019

in both CRPs : Mr.S.Ravee Kumar

COMMON ORDER

Both landlord and tenant filed PCTPA.Nos.22 of 1990 and 04 of 1991 before the Revenue Court, Puducherry, in which, one filed by the landlord to evict the tenant from the schedule mentioned property and the other filed by the tenant seeking direction to deposit the rent arrears in the court.

2. Both the matters were heard and by common order, dated 26.09.2018, the learned Judge ordered as under:-

“(i) The respondent/tenant/petitioner is directed to pay rent by means of cash or kind equivalent to 27 bags (each bag containing 75 kg) of paddy per annum to the petitioner/landlord/respondent.

(ii) The respondent/tenant/petitioner is further directed to pay arrears of rent for the period from 1985 to till date at the rate of cash or kind equivalent to 27 bags (each bag containing 75 kg) of paddy per year after deducting Rs.30,000/- deposited by the tenant vide challan No.11/PCTPA/22 of 90/SDM/2000-2001 dated 02.03.2001 in



CRP.223 and 235 of 2019

WEB COPY

the Revenue Court in the Head of Account 8443, Civil Deposit 104.

(iii) The petitioner/landlord/respondent is directed to withdraw the arrear rent amount deposited by the tenant vide challan No.11/PCTPS/22 of 90/SDM/2000-2001 in the Revenue Court.

(iv) The petitioner is further directed to receive and give receipt to the tenant for the arrears of rent payable by the tenant for the period from 1985 to 2018. “

3. Aggrieved by the said order, the tenant/Revision petitioner filed the above revision petitions.

4. The grounds raised by the revision petitioner/cultivating tenant is that the order of the Revenue Court fixing 27 bags of paddy per annum as rent is contrary to law. The Revenue court failed to see that the land is a punja land and cultivation of paddy depends mainly on the monsoon.

5. The learned counsel for the petitioner/tenant also contended that in the plaint in O.S.No.322 of 1986, the tenant's stand is lease



CRP.223 and 235 of 2019

amount agreed by Ramakrishnan, erstwhile landlord was also party to the suit as 4th defendant, as Rs.1,000/-. But the 4th defendant with the help and assistance of his brother viz., defendants 1 to 3, assisted in the cultivation. Therefore, the stand in the Revenue Court is that Rs.1,000/- equivalent to 27 bags of paddy.

6. It is also contended by the learned counsel that there is a separate Act called The Pondicherry Cultivating Tenants Fair Rent Act and a separate authority is earmarked for deciding the fair rent and the Revenue Court not given jurisdiction to decide such an issue.

7. It is reiterated by the learned counsel for the revision petitioner that the agreed rent by the tenant is Rs.1,000/- per annum. The petitioner deposited Rs.30,000/- pursuant to interim order passed by this court in the earlier revision viz., CRP.Nos.3124 and 2498 of 2000 towards arrears of rent from 1991 to 2021.

8. Per contra, on the side of respondent/landlord, it is contended that as per the Puducherry Tenants (Payment of Fair Rent) Act, 1970, the



CRP.223 and 235 of 2019

Fair Rent is determined as per Section 5(1) or as per Explanation 2 to Section 5(1). It is determined as a proportion to the actual gross produce or average gross produce. It is never to be determined ab initio in terms of money value or cash but money value can be determined as a derivative of the quantum of crops determined on the basis of specified proportion of actual or average gross produce.

9. The market value of a given commodity do not remain static and the same varies from time to time. It varies both ways in the shorter duration and generally move upwards in the long run.

10. The respondent counsel further brought to the notice of this court that earlier this court by order dated 15.02.2002, directed the revenue court to dispose the matter and to fix the right quantum of lease amount by taking into consideration both oral and documentary evidence. The learned counsel submits that during cross examination before the Revenue Court, the petitioner/tenant declined to lead any evidence for determination of lease amount. The tenant did not help the court to



CRP.223 and 235 of 2019

adjudicate about the equivalent amount of market value of the crops, straw/stalk. Therefore, the Revenue court obtained reports from Government Agencies to determine the rent and arrived at the decision in a very transparent and self-speaking manner. The exercise was done not to fix the fair rent but to determine the rent payable by the tenant.

11. Heard both sides and perused the records carefully.

12. At the outset, it is to be noted that earlier the parties herein came before this court as against the order dated 08.09.1999 made in PCTPA Nos.22 of 1990 and 4 of 1991 on the file of Revenue Court, Pondicherry, wherein this court after hearing both sides, found that the tenant should be given an opportunity to put forth his case in respect of quantum of rent fixed. In such view, remanded the matter back to the lower authority for the purpose of fixing the right quantum of lease amount taking into consideration the evidence, both oral and documentary to be adduced.

13. In obedience to the remand order, the lower authority taken



CRP.223 and 235 of 2019

up the matter, after giving opportunity to both sides to put forth their case, and passed the order dated 26.09.2018 fixing the rent by means of cash or kind equivalent to 27 bags (each containing 75 kg) of paddy per annum to the landlord.

14. Therefore, the grounds raised by the revision petitioner/tenant that the Revenue court lacks jurisdiction has no merit. The Revenue Court is legally bound to decide the matter as per the remand order of this court dated 15.02.2002. Therefore, as per the duty cast on the Revenue court, it has decided the matter. The Revenue Court determined the rent of 27 bags after collecting evidence and after giving opportunity to the tenant and therefore, this cannot be said to be an erroneous order.

15. In the considered opinion of this court, the order of the Revenue Court dated 26.09.2019 holds good. As rightly pointed out by the learned counsel for the respondent, the High Court would not exercise its discretion under Section 115 CPC and interfere with such



CRP.223 and 235 of 2019

order, which would bring about an unjust result. The revisional jurisdiction of the Court is intended to secure and subserve the ends of justice and not to deny or defeat it.

16. In the light of the above reasonings, the Revision Petitions are dismissed. No cost. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No

14.10.2022

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To

1.The learned Judge,

Revenue Court, Puducherry Sub Division (South) Villianur.

2.The Section Officer, VR Section, High Court, Madras.



WEB COPY



CRP.223 and 235 of 2019

J.NISHA BANU, J.

nvsri

Order in

CRP.No.223 and 235 of 2019

14.10.2022