



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.7153 of 2011

and

M.P(MD)Nos.1 & 2 of 2011 and 1 of 2015

Machakalai Thevar (Died)

... Petitioner

1.Pitchaiammal

2.Siva Pandi

3.Siva Sathya

... Proposed Petitioners

(P1 to P3 are impleaded as legal heirs of the deceased petitioner vide Court order, dated 06.06.2022 in W.M.P(MD)No.12593 of 2017 in W.P (MD)No.7153 of 2011)

Vs.

1.The District Revenue Officer,
Madurai.

2.The Special Deputy Collector,
Revenue Court,
Madurai.

3.The Tahsildar cum Record Officer,
Madurai South,
Madurai.

4.Gurusamy

5.Navamaniammal

6.Uma Maheswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the first respondent in R.P.No.1/99/G3 dated 01-08-2007 and quash



the same and consequently direct the revenue authorities to maintain the entries made by the third respondent with respect to the Tenancy Rights of this petitioner in Resurvey No.58/5, 58/2 and 58/8 having total extent of 3 acre 24 cents.

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For Petitioner : Mr.K.P.Narayana Kumar

For Respondents : Mr.P.Thambi Durai
Government Advocate
for R1 to R3

M/s.M.Srimathy for
Mr.S.M.Anantha Murugan
for R4

No Appearance
for R5 and R6

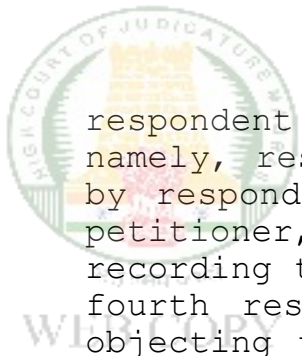
ORDER

The present writ petition has been filed challenging an order passed by the first respondent under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, under which the first respondent has confirmed the order of the second respondent remanding the matter back to the third respondent.

2. A verification of the impugned orders passed by various authorities indicate that the third respondent has passed an order in favour of the writ petitioner recording his name as a cultivating tenant. The said order was challenged by the private respondents before the second respondent. The second respondent has set aside the order passed by the third respondent and has remanded back to the original authority, namely the third respondent. The said order of remand passed by the second respondent was challenged by the writ petitioner before the first respondent. The first respondent after hearing both the parties, has confirmed the order of remand. The said order is under challenge in the present writ petition.

3. A perusal of the records indicate that the second respondent has carefully considered the submissions made on the side of the writ petitioner as well as the respondents 4 to 6 herein and has arrived at a finding that it requires reconsideration by the original authority. The second respondent has specifically pointed out that the original authority has not conducted a proper enquiry and he has remanded the matter back to the third respondent. The said order has been confirmed by the first respondent.

4. The learned counsel for the petitioner submits that the entire extent, for which record of tenancy is sought for is having an extent of 3.24 acres. According to the petitioner, the fourth



respondent has purchased just 12 cents from the original owner, namely, respondents 5 and 6. The rest of the extent is still owned by respondents 5 and 6. According to the learned counsel for the petitioner, respondents 5 and 6 have no objection, whatsoever for recording the name of the petitioner as cultivating tenant. Only the fourth respondent, who is an owner of just 12 cents of land is objecting to the recording of the name of the writ petitioner as a cultivating tenant.

5. In view of the above stated facts, I find that there is no illegality or infirmity in the order passed by the first respondent, whereunder, the order of remand passed by the second respondent was confirmed. Now, the papers are pending before the original authority, namely the third respondent herein for more than 10 years. In the interest of justice, the third respondent is hereby directed to find out from the respondents 5 and 6 about their consent for recording the name of the petitioner with regard to the balance extent and proceed to conduct the enquiry as regards 12 cents of land said to be in favour of the fourth respondent herein and to dispose of the proceedings under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 within a period of four (4) months from the date of receipt of a copy of this order after giving opportunity to the writ petitioner and the private respondents.

6. With the above said observations, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

- 1.The District Revenue Officer,
Madurai.
- 2.The Special Deputy Collector,
Revenue Court,
Madurai.



3.The Tahsildar cum Record Officer,
Madurai South,
Madurai.

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+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-27599[F] dated
23/06/2022)

+2 CC to M/s.M. SRIMATHI, Advocate (SR-27451[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27751[F] dated 23/06/2022)

Order made in
W.P. (MD) .No.7153 of 2011
22.06.2022

ma (CO)
TR(04.07.2022) 4P 8C