



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3130 of 2022

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Arumugam

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Tirunelveli District, Tirunelveli.

2.The Tahsildar / Authority under Tamilnadu Agricultural
Lands Record of Tenancy Rights Act, 1969,
Cheranmahadevi Taluk, Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's application dated 20.11.2021 U/s.3 r/w 4 of the Tamilnadu Agricultural Lands Record of Tenancy Rights Act, 1969 and pass orders on merits and in accordance with law within the time stipulated by this Court.

For Petitioner	:	Mr.M.Sam Eugene Jebakumar For Mr.P.R.Prithviraj
For Respondents	:	Mr.T.Amjad Khan, Government Advocate.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's application dated 20.11.2021 filed under Section 3 r/w 4 of the Tamilnadu Agricultural Lands Record of Tenancy Rights Act, 1969 seeking for recognition of the petitioner as cultivating tenant and pass orders within a time frame to be fixed by this Court.

2.According to the petitioner, despite submitting an application on 20.11.2021 seeking to recognise him as cultivating tenant for the subject property, the said application has not been considered till date. The petitioner has also produced certain receipts to show that he is cultivating crops in the subject property. He has also stated that the land comprised in S.No.220/2B, situated at North Veeravanallur Village, Cheranmahadevi Taluk, Tirunelveli District, measuring an extent of 11 cents and in S.No.194/5A measuring an extent of 37 cents is owned by one George, but the patta stands in the name of the previous owner, Viyagappan in Patta No.1478.

3.It is the case of the petitioner that he has been cultivating crops as cultivating tenant from 21.10.1991 onwards. He has



submitted an application on 20.11.2021 under the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, (in short 'said Act') seeking to recognise him as a cultivating tenant. Since the said application has not been considered till date, he has filed this writ petition.

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4. Heard Mr.M.Sam Eugene Jebakumar, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of respondents.

5. On instructions, the learned Government Advocate submits that any application seeking for recognition as a cultivating tenant will have to be submitted to the Record Officer/Tahsildar under the Act. According to him, since the said application has not been submitted to the Record Officer/Tahsildar, the petitioner will have to submit a fresh application. He would further submit that on receipt of the fresh representation, the Record Officer/Tahsildar under the said Act will pass appropriate orders on merits and in accordance with law, within a timeframe to be fixed by this Court. The said Statement is recorded.

6. The learned counsel for the petitioner is also agreeable for the same. Accordingly, this Court directs the petitioner to submit a fresh application to the appropriate Record Officer/Tahsildar under the said Act, within a period of one (1) week from the date of receipt of a copy of this order, requesting to recognise the petitioner as cultivating tenant in respect of the land in S.No.220/2B, situated at North Veeravanallur Village, Cheranmahadevi Taluk, Tirunelveli District, measuring an extent of 11 cents and the land comprised in S.No.194/5A measuring an extent of 37 cents and on receipt of the said application, the appropriate Record Officer/Tahsildar under the said Act shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as Mr.George, landlord of the petitioner and other necessary parties, if any, within a period of six (6) months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
Tirunelveli District, Tirunelveli.

2.The Tahsildar / Authority under Tamilnadu Agricultural
Lands Record of Tenancy Rights Act, 1969,
Cheranmahadevi Taluk, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7087[F] dated 18/02/2022)

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AP(26.02.2022) 3P 4C