



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.18901 of 2019

P.Vellaichamy

... Petitioner

/vs./

1.The Executive Officer,
Arulmigu Kailasanatha Swamy Thirukoil,
Natham Kovilpatti,
Natham Taluk,
Dindigul District.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation dated 01.08.2018 to receive the lease amount from the petitioner in respect of the property bearing S.No.565/4 to an extent of 2 acres 66 cents situated in Sathambadi village, Natham Taluk, Dindigul District for the Fasali year 1419 to 1428 and issue the receipt in the name of the petitioner.

For Petitioner	: Mr.M.Gnanagurunathan
For R1	: Mr.S.Manohar
For R2	: Mr.V.Nirmal Kumar
	Government Advocate

ORDER

The petitioner has filed the present writ petition for a Mandamus to direct the 1st respondent to consider the representation of the petitioner dated 01.08.2018 to receive the lease amount from the petitioner in respect of the property bearing S.No.565/4, measuring an extent of 2 acres 66 cents, situated in Sathambadi village, Natham Taluk, Dindigul District for the Fasali year 1419 to 1428 and issue the receipt in the name of the petitioner.

2.The petitioner claims to be a sublessee of the original tenant, namely, Sembuvillan, who was allotted a land in S.No.565/4, measuring an extent of 2 acres and 62 cents belonging to the 1st respondent temple. The land was allotted to the aforesaid person in the year 1965.

3.It is the case of the petitioner that the petitioner's uncle, namely, Sembuvillan, subleased the land to the petitioner in the



year 1965 and later he died on 20.01.2000. Upon his death, the petitioner approached the 2nd respondent/the Tahsildar, Natham Taluk, Dindigul District, who by proceedings dated 24.12.2009 recognized the petitioner as a cultivating tenant, pursuant to which the 1st respondent temple has also executed a lease deed dated 01.02.2010.

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4.The learned counsel for the petitioner submits that despite recognizing the petitioner as a cultivating tenant within the meaning of Tamil Nadu Cultivating Tenant (Record of Tenancy) Act, 1969, the 1st respondent temple is refusing to receive the rent for the respective Fasali year 1419 to 1428 and therefore, the present writ petition has been filed.

5.The learned counsel for the 1st respondent, on instructions, submits that the legal heirs of late.Sembuvillan, the original cultivating tenant, have come forward and remitted the rents and therefore, the temple is unable to collect rent from the petitioner.

6.I have considered the arguments advanced by the learned counsel for the petitioner, learned counsel for the 1st respondent and the learned Government Advocate for the 2nd respondent.

7.The legal heir of late.Sembuvillan is not a party to the proceedings. Considering the fact that the legal heir/s of late.Sembuvillan has/have come forward and paid the amount of rent to recognize their right as legal heirs of the original tenant under the provisions of the Tamil Nadu Cultivating Tenant (Record of Tenancy) Act, 1969, I direct the 1st respondent temple to collect the rents for the respective Fasali years from the petitioner without prejudice to the rights of the legal heir of late.Sembuvillan, the original cultivating tenant. In case, the rights of the petitioner to pay the rent are agitated by the legal heir of late Sembuvillan, it is open for the petitioner and/or the legal heir of late.Sembuvillan to workout their remedy in accordance with law before the civil Court. The payments of rent by the petitioner shall not be without prejudice to the rights of legal heirs of late.Sembuvillan.

9.The writ petition is disposed of, in terms of the above observation. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Tahsildar,
Natham Taluk,
Dindigul District.

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+1 CC to M/s.S.MANO HAR, Advocate (SR-12374[F] dated 16/03/2022)

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-12541[F] dated 16/03/2022)

+1 CC to M/s.SPL GP (SR-12474[F] dated 16/03/2022)

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RS (29.03.2022) 3P-5C