



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.03.2022**

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P (MD) No.823 of 2018
and
C.M.P (MD) No.3646 of 2018

Vallinayagi

... Petitioner/Tenant

Vs.

T.Kanamayil Thondaman

... Respondent/Landlord

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 19.12.2016 made in F.R.A.No.2 of 2014 (received on 09.03.2018) by the Special Deputy Collector (Revenue Court), Tiruchirappalli.

For Petitioner : Mr.R.M.Makeesh Kumaravel
For Respondent : No appearance

ORDER

This Civil Revision Petition was filed by the petitioner challenging the order passed by the Special Deputy Collector, Revenue Court, Tiruchirappalli in F.R.A.No.2 of 2014, dated 19.12.2016. The said petition was filed by the respondent / landlord seeking to fix the fair rent for his land to the extent of 2.11 acres leased out to the petitioner, who is the cultivating tenant in the land.

2.According to the revision petitioner, she is the cultivating tenant in the land in question and the said land is a single crop wet land. However, the fair rent was fixed as if the land in question is a double crop wet land. That apart, no reason has been provided in the impugned order for arriving at the fixation of fair rent. The impugned order is also not a speaking order. Therefore, the order passed by the Special Deputy Collector, is liable to be set aside and the matter may be remanded back to the Special Deputy Collector to adjudicate the matter afresh after hearing both parties and also after perusing the documents produced by the petitioner.

3.There is no representation on behalf of the respondent, though notice was ordered and his name was also printed in the cause list. Therefore, this Court is proceeded to hear the matter and



pass orders on merits upon hearing the learned counsel for the petitioner.

4. Upon hearing the learned counsel for the petitioner and also perusing the materials available on record, it appears that the petitioner is the cultivating tenant of 2.11 acres of land owned by the respondent and he claims that the said land is a single crop wet land based on the material evidence produced before the Court. However, on a perusal of the impugned order, it is very clear that the documents produced by the petitioner have not been considered at all and the order is also not a speaking order and this Court finds substance in the submission made by the learned counsel for the petitioner. Therefore, the impugned order is not sustainable in the eye of law and it would be appropriate to set aside the impugned order and remit back the same to the Special Deputy Collector, for fresh consideration.

5. Accordingly, this Civil Revision Petition is allowed and the order dated 19.12.2016 passed in F.R.A.No.2 of 2014 is set aside and the matter is remitted back to the Special Deputy Collector, Revenue Court, Tiruchirappalli for re-adjudication. The Special Deputy Collector is directed to consider the matter afresh and pass a speaking order for fixing the fair rent in accordance with law, after considering the submissions made on either side and the documents produced by the revision petitioner as well as the respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Special Deputy Collector (Revenue Court),
Tiruchirappalli.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.R.M.MAKESH KUMARAVEL, Advocate (SR-12831[F] dated 17/03/2022)

C.R.P (MD) No.823 of 2018
16.03.2022

RS (29.03.2022) 2P-5C

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