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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.4312 of 2012
and
M.P.No.1 of 2012

1.Rajana Konar
2.Ambikabathi
3.Santhanagobalan
4.Neelamegakrishnan ...Petitioners

(Petitioner Nos.2 to 4 brought on record as LRs of the deceased sole petitioner viz. Rajanga Kona vide order court order dated 23.08.2022 made in C.M.P.Nos.13111 to 13113 of 2022 in C.R.P.No.4312 of 2012 by JNBJ)

Vs.

1.Thulasi
2.Dhanalakshmi
3.Kousalya
4.Revathi
5.Vijayaraghavan
6.Vijayarengan ...Respondents

(Respondent Nos.4 to 6 brought on record as LRs of the deceased R1 viz. Kesavan vide order court order dated 23.08.2022 made in

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C.M.P.Nos.13098, 13102 and 13100 of 2022 in C.R.P.No.4312 of 2012 by JNBJ)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 16.08.2012 in P.No.26/2012 on the file of the Revenue Court, Mayiladuthurai.

For Petitioners	:	Mr.K.S.Vaithianathan
For Respondents	:	
For R2	:	Mr.A.E.Ravichandran
For R1 & R3	:	Died, steps taken.
For R4 to R6	:	-Not Ready in Notice-

O R D E R

This revision petition is at the instance of a tenant. He challenges the order passed by the Revenue Court, Mayiladuthurai in P.No.26/2012 dated 16.08.2012. The proceedings were initiated under Sections 3 (2) (ii) and 3 (2) (d) of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The tenant remained *ex-parte*. Therefore, the Revenue Court has passed an order on 16.08.2012.

2.A perusal of the order shows that the learned Judge has not recorded his satisfaction, as to how he arrives at a conclusion that there is a willful default and denial of title.

3.Even if a person/tenant remained *ex-parte,* it is the duty of the

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Revenue Court to pass a speaking order. I am not going into the merits of the case. I am setting aside the order and remitting it to the Revenue Court at Mayiladuthurai only on the ground that no reasons have been given for the passing of the order.

3.The matter is remitted to the Revenue Court at Mayiladuthurai which shall restore the proceedings in P.No.26/2012 dated 16.08.2012 and pass an order within a period of nine (9) months from the date of receipt of a copy of this order.

4.With the above directions, this civil revision petition stands allowed. No costs. Connected Miscellaneous Petition is closed.

20.07.2023

nst

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

To:
Revenue Court,
Mayiladuthurai.

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V. LAKSHMINARAYANAN.J.,

nst

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