



W.P.No.18972 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.18972 of 2016

1.Velathal
2.Veerathal
3.Murugathal @ Poovathal .. Petitioners

VS

1.The District Revenue Officer,
Coimbatore District,
Coimbatore.
2.The Special Deputy Collector,
Revenue Court,
Tiruchirapalli.
3.The Tahsildar cum Record Officer,
Pollachi, Coimbatore District.
4.Venkatachala Gounder
5.Palanisamy
6.Ramraj
(R6 impleaded vide order dated 10.10.2022
made in WMP No.20822/19 in WP 18972/16) .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to the impugned proceedings passed in Na.Ka.7759/2001/E1 dated 30.11.2015 on the file of the 1st respondent herein, quash the same.



WEB COPY



W.P.No.18972 of 2016

For Petitioners : Mr.P.Santosh
for Mr.K.Govi Ganesan

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 to R3
Mr.N.K.Ponraj for R4
R5 – left
No appearance for R6

ORDER

The petitioners challenge an order passed by the first respondent being District Revenue Officer. The genesis of the dispute relates to ownership of agricultural land ad-measuring 2.75 acres in SF.No.193/1, 0.18 acres with Well in S.F.No.193/1, 2.53 acres in S.F.No.243/2 and 0.61 ½ acres in S.F.No.243/3 in Zamin Uthukuli Village, Pollachi Taluk (lands / land in question).

2. The fourth respondent had filed an application under Section 4(2) of the Tamil Nadu Agricultural Lands Records of Tenancy Rights Act, 1969 (Act) before the Tahsildar Cum Record Officer / R3. He sought recording of his name as cultivating tenant in the tenancy records. The claim of R4 was based on the lease agreements with the father of the present petitioners that had been periodically renewed. The application of R4 was accepted and an order passed on 14.11.1995 in his favour, including his name in the approved list of tenancy records of Zamin Uthukulli Village.



W.P.No.18972 of 2016

WEB COPY

3. A statutory appeal came to be filed by the petitioners in terms of Section 6 of the Act before R2 being the Special Deputy Collector, Revenue Court, Tiruchirappalli. That came to be allowed by way of an order dated 08.12.2000 setting aside order passed by R3 as against which R4 filed statutory appeal under Section 7 of the Act before the District Revenue Officer, Coimbatore / R1.

4. Pending revision, the petitioners had filed an application under Order I Rule 10 of the Code of Civil Procedure seeking impleadment in the revision petition, which came to be allowed. That order was challenged by R4 by way of writ petition in W.P.No.19566 of 2003 that was dismissed on 24.09.2010, this Court issuing a direction for disposal of revision petition within three months.

5. R1 has disposed the revision petition adverse to the interests of the petitioner and in favour of R4 restoring the order passed by R3 originally, assailing which the present writ petition is filed.



W.P.No.18972 of 2016

6. A perusal of the impugned order shows reference to an order passed by the District Munsif Court, Pollachi in O.S.No.714 of 1983 that was in favour of the revision petitioner. The Officer proceeded on the basis that pendency of R4 has been upheld based on relevant evidence and on the fact that the lease amounts had been duly paid to the Special Deputy Collector, Revenue Court, Tiruchirappalli.

7. Per contra, the petitioners do not appear to have placed any documents or evidence in support of their contention that R4 is not their tenant. It is also relevant to say that there is no further appeal as against the judgment in O.S.No.714 of 1983, which has attained finality.

8. In light of the above discussion, the factual position in this case points unambiguously to R4 having established his tenancy rights to the land in question. I thus see no good reason to interfere in the impugned order. Learned counsel for the petitioner is also not in a position to bring on record, any fact in support of the challenge to the present impugned order.



W.P.No.18972 of 2016

8. For the reasons as aforesaid, this writ petition is devoid of merit and the same is dismissed. No costs.

07.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 2.The Special Deputy Collector,
Revenue Court,
Tiruchirapalli.
- 3.The Tahsildar cum Record Officer,
Pollachi, Coimbatore District.



WEB COPY



W.P.No.18972 of 2016

DR. ANITA SUMANTH,J.

ssm

W.P.No.18972 of 2016

07.02.2023