



WEB COPY

W.P.No.12801 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12801 of 2023

and

W.M.P.Nos.12607 & 12608 of 2023

1.Venba

2.Akshaya

3.Aarthi

... Petitioners

Vs.

1.The Thasildar

Needamangalam Thasildar Office,
Needamangalam,
Thiruvarur District.

2.R.Swaminathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned eviction order passed by the 1st respondent in NA.KA24/2023/A5 dated 31.03.2023 and quash the same and restrain the respondents herein from illegally proceeding further against the petitioners pending disposal of the writ petition in W.P.No.16723 of 2022.



For Petitioners : Mr.M.Thamizhavel

For R1 : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the impugned eviction order passed by the 1st respondent in NA.KA24/2023/A5 dated 31.03.2023 and quash the same and restrain the respondents from illegally proceeding further against the petitioners pending disposal of the writ petition in W.P.No.16723 of 2022.

2. Admittedly, even as per the petitioners, they are only a cultivating tenants and the original owner of the property filed the writ petition and an interim order was granted and pursuant to the contempt proceedings, the impugned order in the present writ petition is passed.

3. Right to property is a Constitutional Right under Article 300-A of the Constitution of India. No owner shall be deprived of his right of property except with the authority of law. In the present case, the 1st petitioner is a cultivating tenant for more than 40 years and even after a lapse of 40 years, if



the owner is unable to secure the land, then it will result in infringement of the right of the owner.

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4. The learned Additional Government Pleader appearing on behalf of the 1st respondent made a submission that the protection extended under the Tamil Nadu Cultivating Tenants Protection Act, 1955 is to be extended only to the genuine farmers, who all are cultivating the land on their own labour and not by employee or any other labour or cooli. In the present case, the 1st petitioner states that she is cultivating the land for 40 years. The authorities conducted an enquiry and thereafter passed an order that the land is to be handed over to the original land owner.

5. The learned counsel for the petitioners after arguing the matter for a considerable length of time, made a submission the he has chosen to withdraw the writ petition. However, the 1st respondent shall evict the petitioners pursuant to the impugned order dated 31.03.2023, since there is no impediment.



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6. Accordingly, this Writ Petition stands dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

Note: Issue order copy on 26.04.2023(today)

To

The Thasildar
Needamangalam Thasildar Office,
Needamangalam,
Thiruvarur District.



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S.M.SUBRAMANIAM, J.

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