



WEB COPY



1

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 05.06.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.14223 of 2023

P.Mohammed Hussain

... petitioner

-Vs-

1. The Special Deputy Collector,  
Revenue Court,  
Thiruvavarur District.

2. T.Govindasamy @ Kittu Pillai

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for records pertaining to impugned order of the first respondent herein passed in individual petition No.7 of 2016 and 16/2019 dated 20.03.2023 and quash the same and direct the first respondent herein to pass the eviction order against the second respondent herein.

For petitioner : Mrs.M.Prabhavathy

For Respondent : Mr.V.Manoharan, AGP R1

**ORDER**

This petition has been filed seeking to quash the impugned order of the first respondent herein passed in individual petition No.7 of 2016 and 16/2019 dated 20.03.2023 and direct the first respondent herein to pass the eviction order against the second respondent herein.



WEB COPY

2. It is the case of the petitioner that the petitioner is the absolute owner of the cultivating agricultural nanja lands in S.No.66/4 measuring an extent of 01.80 cents and in S.No.65/2 measuring an extent of 0.22 cents and in S.No.65/6 measuring an extent of 0.65 ½ in S.No.65/7 measuring an extent of 0.86 cents and the petitioner has leased out the above said cultivating lands to the second respondent herein and the second respondent is cultivating the above said lands on agreement basis.

3. Such being the situation, the second respondent failed to give the paddy of bags as promised to the petitioner and the second respondent has to give 224 kalam paddy to the petitioner. Due to arrears of paddy of bags in the form of cultivating lease, the petitioner filed a petition No.7 of 2016 before the first respondent seeking eviction against the second respondent herein and the said petition is still pending. Further the petitioner has also filed a petition No.16 of 2019 for early disposal of the petitions. In this regard, the petitioner sent a representation dated 26.08.2022 to the first respondent to enquire the petitions filed by him and the same was not considered. Therefore, the petitioner has filed a writ petition before this Court in W.P.No.3087 of 2023 against the respondents to



consider his representations. This Court vide order dated 06.02.2023 disposed of the same with a direction to consider the petitioner's representations on or before 31.03.2023. Pursuant to which, the first respondent has conducted enquiry and passed the present impugned order. Aggrieved over the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that though the petitioner made an application before the first respondent under the Tamil Nadu Cultivating tenant Protection Act 1955. Whereas the respondent passed the impugned order under Section 19(3) of the Tamil Nadu Public Trusts (Regulation and Administration of Agricultural Lands) Act, 1961. Further the petitioner is not a Trust. Hence, invoking power under the above said Act is unsustainable one. Hence, this Court may set aside the impugned order and remand the matter back to the concerned authorities for fresh consideration.

5. The learned Additional Government Pleader has not raised any objection in this regard.

6. Heard both sides and perused the materials available on record.



Since no adverse orders are passed against the private respondent, notice to the second respondent is dispensed with.

7. Considering the fact that the petitioner is not a Trust and the first respondent has also passed an impugned order under the Tamil Nadu Public Trusts (Regulation and Administration of Agricultural Lands) Act, 1961 and hence, this Court has no hesitation to quash the impugned order dated 20.03.2023 passed by the first respondent. Accordingly, the same is set-aside and remands the matter back to the first respondent for fresh consideration. The first respondent is directed to consider the petitioners application and pass appropriate orders after providing opportunity to the petitioner as well as the second respondent on merits within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the writ petition is allowed. No costs.

rli

**05.06.2023**



WEB COPY

To  
The Special Deputy Collector,  
Revenue Court,  
Thiruvavarur District.



WEB COPY

6



**M.DHANDAPANI, J.**

rli

**W.P.No.14223 of 2023**

**05.06.2023**