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W.P.No.29260 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29260 of 2017

1. J.P.Kandasamy
2. P.Natrajan .. Petitioners

vs

1. The Additional District Magistrate and
District Revenue Officer
Collectorate, Erode – 638 011.

2. The Revenue Court – Special Deputy
Collector – Tenancy Records
Tiruchirapalli.

3. The Revenue Tahsildar [Tenancy Records]
Taluk Office, Erode District
Bhavani – 638 301.

4. Devi
5. T.Sumathi
6. Murali
7. Kalamani @ Kalavathi .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to R.P.No.[Ku.Pa] 1 of 2016/F3 dated 10.02.2017 on the file of the first respondent herein – quash the same and consequently, direct the third respondent herein to rehear the application made in T.R.No.1 of 2014.

For Petitioners : Ms.D.Sathya



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For Respondents :

Mr.P.Sanjay Gandhi
Government Advocate
for R1 to R3

Mr.J.Devaraj
for M/s.P.V.Law Associates
for R 4 to R7

ORDER

The claim of the writ petitioners to declare them as cultivating tenants has been rejected by the competent authority and also the appellate authority.

2. The learned counsel for the petitioners mainly contended that the petitioners had submitted 84 documents to establish their case that they are cultivating the subject land and therefore, their names are to be recorded as cultivating tenants in the revenue records. The competent authorities passed an order stating that the petitioners have not submitted any documents to establish that they are the cultivating tenants. Contrarily, the petitioners have submitted other documents, which are all irrelevant and thus, they have rejected the claim of the writ petitioners to declare them as a cultivating tenant.



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Records, Tiruchirapalli, elaborately considered the claim of the writ petitioners and made a finding that the petitioners have not established that they are the cultivating tenants in the subject property and the documents filed by the petitioners would be insufficient to establish that they are the cultivating tenants. There is a specific finding made by the authorities based on the aspects of the Village Administrative Officer concerned that the subject property had already been converted as housing site and the housing plots were sold in the name of various persons.

4. When the subject property has already been converted as housing site, there is no reason whatsoever for this Court to direct the respondents to reconsider the issue of the petitioners for the purpose of declaring them as cultivating tenants. In view of the fact that the authorities competent as well as the appellate authorities have consistently formed an opinion that the petitioners cannot be declared as a cultivating tenants, the finding in this regard would be sufficient to form an opinion that the petitioners have not factually established their defence. That apart, the civil suit filed by the petitioners was also dismissed.

5. In view of the above, the writ petition is dismissed. There will

be no order as to costs.



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Index : Yes/No
Neutral Citation : Yes/No

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S.M. SUBRAMANIAM, J.

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