



C.R.P.(MD).Nos.2016, 2017 and 2018 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 14.08.2023

DELIVERED ON: 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).Nos.2016, 2017 and 2018 of 2013

and

CMP(MD).Nos. 5126 to 5128 of 2013

and

MP(MD).Nos.1,1,& 1 of 2013

N.Natarajan

....Petitioner in all the revisions

Vs

Arulmighu Jambukeeswarar
Akilandeewari Temple
Thiruvanaikovil,
represented by its Executive Officer
Having office at Temple Premises
Thiruvanaikovil
Tiruchirappalli 620 005

....Respondents in all the revisions

PRAYER: in CRP(MD).No.2016 of 2013: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 01.03.2013 made in I.A.No.3 of 2013 in CRPLT.SR.No.7 of 2013 on the file of the Principal District Judge, Tiruchirappalli and allow the civil revision petition.



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PRAYER: in CRP(MD).No.2017 of 2013: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 01.03.2013 made in I.A.No.1 of 2013 in CRP.LT.SR.No.55 of 2013 on the file of the Principal District Judge, Tiruchirappalli and allow the civil revision petition.

PRAYER: in CRP(MD).No.2018 of 2013: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 01.03.2013 made in I.A.No.2 of 2013 in CRP.LT.SR.No.9 of 2013 on the file of the Principal District Judge, Tiruchirappalli and allow the civil revision petition.

For Petitioner : M/s.J.Maria Roseline
in all the revisions

For Respondent : Mr.T.Antony Arulraj
For Mr.D.Rajkumar
in all the revisions

COMMON ORDER

All the three revision petitions have been filed by the cultivating tenant challenging the orders of dismissal of condone delay application in filing a revision before the District Court, Trichy arising out of an order of eviction passed by the Revenue Court under Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.



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2.The respondent herein who is the landlord of Survey Nos.108, 109/5, 111 and 112 having an extent of 4 acres and 15 cents at Velli Thirumutham Village, Srirengam Taluk, Trichy District had filed P.No.262 of 1995, P.No.339 of 1995 and P.No.586 of 1992 as against the revision petitioner herein claiming rental arrears for the fasali years 1401, 1403 and 1404. Since the petitioner/tenant had not appeared before the Revenue Court despite receipt of notice, an order of eviction was passed in all these petitions on 19.03.2001 under separate orders.

3.In the said orders, the tenant was directed to deposit a particular amount as arrears and rent. The said conditional order was not complied with by the tenant and hence, the landlord/temple had filed E.P.Nos.25 of 1995, 184 of 2002 and 202 of 2002 before the said authority for evicting the tenant and to recover possession. Despite notice, the tenant had not appeared in the execution proceedings and hence, an order of eviction was passed in all the Execution Petitions on 19.08.2002 under separate orders.

4.According to the revision petitioner/tenant, the counsel engaged by him had left Trichy and the matter was not taken care of and this has resulted in passing of exparte orders. Though the tenant had made



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an application to the Revenue Court to provide copy of the affidavit, counter and order passed in all the three petitions, the Revenue Court had failed to furnish the said copies. Hence, the tenant had filed W.P(MD).No. 3864 of 2012 before this Court for a Writ of Mandamus to direct the Revenue Court to furnish the copy of documents applied for by the petitioner. The said writ petition was allowed by this Court on 28.03.2012 directing the Revenue Court to furnish the required documents within 3 days from the date of receipt of the application. Since the said order was not complied with, the tenant had filed Contempt Petition No.400 of 2012 to punish the authorities for wilful disobedience of the order. While the contempt petition was pending, the tenant had filed WP(MD).No.6931 of 2012 for a mandamus directing the landlord and the Joint Commissioner of HR & CE Department from in any way dealing with the lands in dispute until the Revenue Court furnishes the copies of the petitions.

5.In the said writ petition, the temple had filed a counter contending that for the past 25 years, the tenant has not paid any lease amount and they have already taken possession of the property in E.P.No. 184 of 2002. Recording the said submission, the writ petition was dismissed granting liberty to the tenant to approach the appropriate



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authority for appropriate relief.

6. According to the tenant, he had received all the required documents only on 07.12.2012 and thereafter, three revision petitions were presented before the District Court, Trichy with condone delay application in I.A.Nos.1 to 3 of 2013 to condone the delay of 3698 days in filing the revision petitions.

7. The landlord/temple had filed a counter in all the condone delay applications contending that the tenant was fully aware of the order of eviction and execution proceedings. He had further contended that the possession of the property has already been taken by the temple. The learned Principal District Judge, Trichy had passed an order on 01.03.2013 dismissing all the three condone delay applications on the ground that the delay has not been explained properly. Challenging the dismissal of three Interlocutory Applications, the present revision petitions have been filed by the tenant.

8. According to the learned counsel for the revision petitioner, he had engaged a counsel Mr.P.Sankaranarayanan at Trichy to defend him in the petition before the Revenue Court. However, he had disappeared and he could not be traced and therefore, the petitioner was not able to defend



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the proceedings properly and he was set exparte in the main petition as well as in the execution proceedings. The learned counsel for the petitioner had further pointed out that the legal heirs of the said Sankaranarayanan have filed a suit in O.S.No.517 of 2008 to declare the said gentleman to be dead and the suit was decreed on 26.092008. Therefore, the non appearance before the Revenue Court was not willful.

9.The learned counsel for the petitioner had further contended that for the subsequent fasali years, the landlord had initiated eviction proceedings and they are being defended by him effectively through some other counsel and no order of eviction has been passed. The learned counsel had further pointed out that the eviction was ordered in P.No.129 of 2011 and it was confirmed in CRP. LT.No.1 of 2012. Challenging the same, the tenant had filed CRP.No.2358 of 2015 and the same was allowed and remitted back to the Revenue Court for fresh disposal.

10.The petitioner had filed CMP(MD).Nos. 5126 to 5128 of 2023 under Order 41 Rule 27 of C.P.C to receive additional documents which are payment of rent made in August 2005, order passed in CRP.LT.No.01/2005, decree in O.S.No.517 of 2008, the petition in P.No. 129 of 2011, notice issued by the Revenue Inspector on 06.12.2012 and



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the order that was passed by this Court in CRP.No.2358 of 2015.

According to the learned counsel for the petitioner, these documents are very much essential for deciding the present dispute. Hence, she prayed for allowing these applications and to consider the documents filed along with the petitions.

11.The learned counsel for the petitioner had further contended that, so far possession has not been taken by the temple except with regard to an extent of 6070 sq.meter which has been sold to TANGEDCO. The rest of the properties continue to be in possession of the tenant. Hence, she prayed for allowing the revision petition and to condone the delay in filing the CRP. LTs before the District Court, Trichy.

12.Per contra, the learned counsel for the respondent/ temple had contended that the tenant had suffered an order of eviction in P.No.586 of 1992. In order to execute the said order. E.P.No.25 of 1995 was filed by the temple. In the said execution proceedings, eviction was ordered on 19.08.2002 by the Revenue Court. Challenging the same, the petitioner had filed CRP.LT.No.1 of 1996 before the Principal District Court, Trichy. The said revision petition was dismissed for default on 06.06.2002. Based upon the said dismissal, a notice was issued to the tenant by the Revenue



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Inspector on 06.02.2012 for taking possession of the property on 10.02.2012. Accordingly, the Revenue Inspector had handed over possession of entire 4 acres and 15 cents to the landlord on 10.02.2012.

13.The learned counsel for the respondent had further contended that the said fact has also been recorded by this Court by an order of this Court dated 05.09.2012 in W.P(MD).No.6931 of 2012. Therefore, the possession having been already taken from the tenant, the present revision petitions are not maintainable.

14.The learned counsel for the respondent/temple had further contended that the tenant has not properly explained the delay in filing the revision petition before the District Court and consequentially, the said delay applications were dismissed. Challenging the same, the present revision petitions have been filed. Therefore, the additional documents which are sought to be filed are not relevant for the purpose of considering the fact that whether such a delay can be condoned or not. Hence, he prayed for dismissal of the revision petitions.

15.I have considered the submissions made on either side and perused the material records.



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16. There is no dispute that the revision petitioner herein is the tenant of the respondent temple and lease is covered by Tamil Nadu Act 57 of 1961. The temple had filed P.Nos.262 of 1995, 339 of 1995 and 586 of 1992 before the Revenue Court for evicting the tenant for non payment of rent for the fasali years 1401, 1403 and 1404. In all these petitions, independent orders were passed on 19.03.2001 by the Revenue Court directing the tenant to deposit certain amount. A perusal of the said orders indicate that the petitioner/tenant had remained exparte even in these applications. These orders directing the tenant to deposit the rent within a particular period were not challenged by the tenant.

17. Since the tenant had not paid the rental arrears as directed by the Revenue Court, the landlord had filed E.P.Nos.184 of 2002, 202 of 2002 and 25 of 1995 to execute the order of eviction. According to the tenant, his counsel could not be traced and therefore, he was said exparte. When he came to know about the execution proceedings and demanded furnishing of the documents, the Revenue Authorities had refused to do so and the tenant was constrained to approach the High Court. According to the tenant, he was able to get the copies of all the documents only on 07.12.2012. However, a perusal of the order in CRP.LT.No.1 of 1996 dated



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06.06.2002 indicates that the order in P.Nos.586 of 1992 and E.P.No.25 of 1995 have been challenged before the District Court, Trichy in the said revision petitions in the year 1996 itself. The said revision petitions have been dismissed by the learned Principal District Judge, Trichy for default on 06.06.2002. Therefore, it is clear that the tenant had received copies from the Revenue Court and thereafter, filed a revision before the District Court in the year 1996 itself. However, the tenant had chosen to approach this Court in the year 2012 alleging non-furnishing of the documents.

18.In view of the dismissal of CRP.LT.No.1 of 1996 on 06.06.2002 , the Revenue Inspector had issued a notice to the tenant on 06.12.2012 informing him that they are going to take possession on 10.02.2012. The tenant had received the said notice and it forms part of the typed set of papers filed on the side of the tenant. The landlord had produced a copy of the order indicating that on 10.12.2012 possession was taken with regard to the entire extent of 4 acres and 15 cents by the Revenue Inspector and handed over to the temple on 10.12.2012. Therefore, it is clear that the possession has been taken from the tenant even in the year 2012 itself.



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19.The tenant had approached the District Court, Trichy in January 2013 by filing three CRP. LTs with a delay of 3698 days. A perusal of the condone delay applications indicate that due to the delay in furnishing the copy of the orders, the tenant was not in a position to file the appeal in time. In the affidavit, it is stated that the tenant was able to get the order copy only on 07.12.2012. As stated in the preceding paragraph, the tenant had already approached the District Court, Trichy challenging one of the orders in E.P.No.25 of 1995 arising out P.No.586 of 1992 by filing CRP.LT.No.1 of 1996. Therefore, it is clear that the reasons assigned by the tenant for filing the revision before the District Court with a delay are not factually correct. In fact, filing of the revision and its' dismissal for default have been suppressed. Even assuming that the counsel engaged by the tenant could not be traced, filing of CRP. LT.No.1 of 1996 would be only at the instance of the tenant. The tenant cannot feign ignorance that no such revision was filed challenging the order in E.P.No.25 of 1995.

20.The petitioner has not chosen to challenge the original order of the Revenue Court under which he was directed to deposit certain amount of rent within a period of one month. Though the tenant relied



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upon certain receipts for such payment, all those receipts are dated 17.08.2005 and not within the date prescribed in the orders.

21.In the revision petitions, the petitioner has to convince the Court only with regard to the delay of 3698 days by affording proper explanation. Therefore, the applications to receive additional evidence are not legally sustainable and the said applications stand dismissed. Accordingly, CMP(MD).Nos.5126 to 5128 of 2023 stand dismissed.

22.On one hand, the tenant had contended that his counsel could not be traced and on the other hand, the tenant had contended that he was not furnished with copies of the documents. As pointed out in the preceding paragraph, the tenant had received the order copy and he had also filed the revision petition before the District Court, Trichy in the year 1996 itself which was dismissed for default. In the condone delay applications, the tenant had not averred anything about the fact that his counsel could not be traced. The only reason averred in the condone delay applications is, non-furnishing of copies of the documents. Therefore, it is clear that the tenant has not come out with clean hands and has not explained the delay of more than 9 years in filing the revision petitions before the District Court, Trichy.



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23.In view of the above said deliberations, there are no merits in theses Civil Revision Petitions and they stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.08.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

- 1.The Principal District Judge,
Tiruchirappalli
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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Pre-delivery common order made in
C.R.P.(MD).Nos.2016, 2017 and 2018 of 2013
and
CMP(MD).Nos. 5126 to 5128 of 2013
and
MP(MD).Nos.1,1,& 1 of 2013

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