



WP(MD)No.6248 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.6248 of 2023

N.Senthil

... Petitioner

v.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.Parthasarathy

4.A.S.Ravikumar

... Respondents

[R.3, R.4 impleaded vide order dated 13.06.2023]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to consider the representation to issue Uzhavadai Patta for the survey properties in S.Nos.21/2 to an extent of 17.5 Ares, 4/7A to an extent of 5.5



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Ares, together 23 Ares, bearing Patta No.59, stands in the name of K.Ramarao and another, Patta No.18, stands in the name of N.V.Sabapathy Iyer for the property in S.No.21/6 to an extent of 17.5 Ares, S.No.4/11A1 to an extent of 0.05 Ares, S.No.4/8B to an extent of 0.3 Ares, altogether total extent of 0.21.0 Ares, situated at Praakudi Village, Madurai South Taluk, Madurai District, based on the representation dated 22.12.2022.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1, R.2

Mr.P.Saravanakumar
for R.3, R.4

ORDER

The petitioner has approached the revenue officials for grant of Uzhavadai Patta that he is the cultivating tenant of the subject lands.

2.It appears that the request of the petitioner was rejected by the Tahsildar. As against the same, the petitioner preferred an appeal before the Revenue Divisional Officer and the same was dismissed. Challenging



the same, the petitioner moved a revision petition before the District Revenue Officer and the same was also dismissed. Thereafter, the petitioner has filed a writ petition before this Court in WP(MD)No.13274 of 2022 challenging the orders passed by the District Revenue Officer, Revenue Divisional Officer and Tahsildar. This Court, by order dated 17.08.2022, dismissed the writ petition, by observing as follows:-

“5.I carefully considered the rival contentions and went through the materials on record. That the petitioner is in possession and enjoyment does not appear to be in doubt. The only question that calls for consideration is whether the petitioner can be recorded as a cultivating tenant. It is true that the tenancy agreement can be oral also. But before the authorities, the petitioner has not placed any convincing materials to show that the landlords recognised him as a cultivating tenant. It is not enough that a person is in possession and enjoyment of a agricultural land. He has to necessarily establish by adducing convincing evidence that the land owner inducted him as a tenant. In this case, admittedly, there is no written agreement. There is nothing to show that the petitioner or his grandfather Pitchaiambalam paid any lease arrears. No receipt issued by the landlords has been marked. This is a case where there is a complete paucity of material. That is why, as



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many as three authorities constituted under the relevant statute chose to hold against the writ petitioner. In exercise of jurisdiction under Article 226 of Constitution of India, the finding of fact arrived at by the authorities based on the material before them cannot be interfered with, unless if it is shown that the authorities adopted a perverse approach. In this case, the authorities have fully applied their minds. Therefore, I decline to interfere.”

3.Now, for the very same relief, the petitioner has moved this Court again. In view of the earlier order passed in WP(MD)No.13274 of 2022, this Court is not inclined to entertain this writ petition and the same is accordingly, dismissed. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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To

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Madurai.

2.The Tahsildar,
Madurai South Taluk,



Madurai District.

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B.PUGALENDHI, J.

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