



W.A.(MD) Nos.387 & 390 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) Nos.387 & 390 of 2023
and
C.M.P.(MD) Nos.4223 & 4235 of 2023**

W.A.(MD) Nos.387 of 2023:

Roshan Manavalan

... Appellant

-VS-

- 1.M/s.Shaptharishi Research &
Medical Foundation
rep.by its President cum Managing Trustee
K.Sundararajan
S/o.Kandasamy, 209, North Street
Paramathi Velur Post
Namakkal District
- 2.The District Collector
Karur District, Karur
- 3.The Tenancy Record Officer-cum-Tahsildar
Kulithalai, Karur District



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4.Guru Vidhya Peedam
rep.by its Trustee
N.S.Rajagopalan
No.5, Rani Chinnammal Street
Eldams Road, Alwarpet
Chennai

5.Guru Vidhya Peedam
rep.by its Joint Trustee
Dhanalakshmi
W/o.Sivakumar
No.29, 8th Main Road
Srinivasa Nagar, Puthur
Trichy District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.03.2023, passed in W.P.(MD) No.3272 of 2023, on the file of this Court.

For Appellant : Mr.V.Meenakshi Sundaram
for Mr.P.Sivasankaran

For Respondents : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.I.Vel Pradeep for R1
Mr.A.Baskaran
Additional Government Pleader for R2 & R3

W.A.(MD) Nos.390 of 2023:

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Dhanalakshmi
W/o.Sivakumar
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Trichy District

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For Appellant : Mr.V.Meenakshi Sundaram
for Mr.R.Murugan

For Respondents : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.I.Vel Pradeep for R1
Mr.A.Baskaran



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Additional Government Pleader for R2 & R3

C O M M O N J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

These writ appeals are at the instance of two undeserving elements, who had attempted to tweak the law.

2. While the appellant in W.A.(MD) No.387 of 2023 claims to be a tenant of the lands in question under a lease deed dated 24.03.2017, the appellant in W.A.(MD) No.390 of 2023, which is not very appropriately named considering its conduct, claims to be the owner of the property.

3. The background facts are as follows:

The managing trustee of the appellant in W.A.(MD) No.390 of 2023 had executed a lease deed in favour of the first respondent in both the writ appeals on 16.06.2005. The said deed was challenged by Mrs.Dhanalakshmi, a joint trustee of the appellant in W.A.(MD) No.390 of 2023 in O.S.No.249 of 2006, on the file of the District Munsif Court, Kulithalai. The said suit came to be dismissed on 02.01.2018. The learned District Munsif rendered a



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finding that the second defendant in the said suit / first respondent herein is in possession of the property and therefore, the plaintiff is not entitled to a decree for permanent injunction. Admittedly, the appeal against the said decree is pending on the file of the Sub Court, Kulithalai.

4. While the things stood thus, the first respondent approached the Tenancy Record Officer under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 (Act 10 of 1969) for recording his name as the cultivating tenant. The said request was rejected. Aggrieved over the same, the first respondent in both the writ appeals filed the writ petition in W.P.(MD) No.3272 of 2023.

5. The Writ Court having found that the possession of the writ petitioner has been recognized by the Civil Court directed the parties to abide the decision of the Civil Court.

6. The third respondent in the writ petition, who claims to be the lessee under the lease deed dated 24.03.2017 and the owner of the property, represented by its joint trustee, are on appeal before us.



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7. We do not find any merit in the writ appeals. Once the Civil Court rendered a finding that the first respondent in both the writ appeals is in possession of the property, unless that finding is set aside, the Writ Court or the Tenancy Officer cannot decide on the rights of the parties. All that the Writ Court has done is to direct the parties to abide the decision of the Civil Court and act accordingly. We, sitting in the Writ Court, in a collateral jurisdiction, cannot sit on appeal over the Judgment of the Civil Court. Ultimately, the questions of fact will have to be decided by the Civil Court and not by us sitting under Article 226 of the Constitution of India. We, therefore, do not see any error in the order of the Writ Court directing the parties to abide the decision of the Civil Court.

8. Hence, the writ appeals fail and are accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

06.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No



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