



W.A.(MD) No.412 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM:

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

**W.A.(MD) No.412 of 2023
and
C.M.P.(MD) No.4493 of 2023**

V.Muthukutti

... Appellant

-VS-

1.Record Officer-cum-Tahsildar
Ambasamudram Taluk
Ambasamudram
Tirunelveli District

2.The District Collector /
District Revenue Officer I/c.
Tirunelveli District
Tirunelveli

3.Syed Ali Abuthakeer

4.V.Ganesan

5.R.Arighandran

6.Thomma Siluvai

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.04.2022, passed in W.P.(MD) No.12758 of 2014, on the file of this Court.

For Appellant : Mr.S.Palani Velayutham

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R3

J U D G M E N T

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

The appellant claims to be the cultivating tenant. He has obtained an order recording his name as cultivating tenant by suppressing facts and playing fraud. When the facts were brought to knowledge of the authority concerned, the District Collector, Tirunelveli District, exercising his *suo motu* power under Section 7 of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 (for brevity, “the Act”), by order dated 24.07.2014, has cancelled the order registering the appellant as cultivating tenant. It is the said order, which was the subject matter of challenge in the writ petition.



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2. The Writ Court has gone into the question in detail and found that the order registering the appellant as cultivating tenant itself was obtained by suppressing facts and playing fraud. Therefore, the District Collector, Tirunelveli District, has rightly exercised his jurisdiction under Section 7 of the Act. We, therefore, do not find any merit in the grounds raised in this writ appeal to interfere with the conclusion of the Writ Court. It is always open to the appellant to approach the Civil Court and prove his status as cultivating tenant.

3. Hence, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Ambasamudram,
Tirunelveli District.
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