



W.P.(MD) No.9498 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9498 of 2023

and

W.M.P.(MD) Nos.8470 and 8471 of 2023

M.Ramkumar

.. Petitioner

Vs.

1.The Assistant Commissioner,
HR & CE Department,
Courtallam, Tenkasi District.

2.The Executive Officer,
Arulmighu Courtallam Nathar Swamy,
Tenkasi District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the impugned notice in Na.Ka.No. 58/2023 dated 30.03.2023 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This petition is filed seeking the issue of a Writ of Certiorari to quash the auction notice issued by the first respondent for leasing out various agricultural lands for the period from 01.07.2023 to 30.06.2026 for a period of three years.

2. The contention of the petitioner is that the property in respect of which his father and after his father, he has been a cultivating tenant is the subject matter of the auction and therefore, being a cultivating tenant, he is entitled to protection under the Tamil Nadu Cultivating Tenants Protection Act, 1955 as well as the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

3. Learned counsel for the petitioner would submit that since the petitioner is a cultivating tenant, he cannot be evicted from the premise except by due process of law and in the guise of this auction, the impugned order is bad in law and has to be quashed. He would further



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submit that the respondents had given out that they will also not permit the petitioner to participate in the tender, since the petitioner has been regularly litigating against the temple.

4. Per contra, the learned Special Government Pleader appearing for the first respondent would submit that the petitioner is not recorded as a cultivating tenant, which is evident from a mere perusal of the lease deed that he has produced before this Court and that the petitioner is not registered as a cultivating tenant, but he is only a lessor, who has been executing a lease deed in favour of the temple. He would further deny the allegation that the respondents would not allow the petitioner to participate in the tender.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent.

6. The petitioner who comes forward with a contention that he is a cultivating tenant has not produced any orders from the Record Officer



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recording him as a cultivating tenant. Further, the document that has been filed would show that the petitioner has entered into a lease deed in respect of the land in question. Therefore, the argument that the possession of the petitioner is a cultivating tenant and that he has to be protected on the ground that he is a cultivating tenant fails. The next argument that the respondents would not permit him to participate in the auction, in the light of the submission of the learned Special Government Pleader, also fails. Therefore, I see no reason for entertaining the writ petition. Accordingly, this Writ Petition is dismissed recording the contention of the learned Special Government Pleader that they will not impede the participation of the petitioner in the auction. No costs. Consequently, connected miscellaneous petitions are closed.

21.04.2023

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

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To

The Assistant Commissioner,
HR & CE Department,
Courtallam, Tenkasi District.



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P.T.ASHA, J.

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