



WEB COPY



W.P.(MD).No.11277 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 22.11.2022

ORDER PRONOUNCED ON : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11277 of 2014

and

M.P(MD)No.1 of 2014

A.K.M.L.Muthuraman Chettiyar

... Petitioner

Vs.

1.The Tahsildar cum Tenancy Registrar,
Illupur Taluk,
Pudukkottai District.

2.The Assistant Commissioner,
Revenue Court,
Thirichirapalli.

3.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

4.Rengarajan

5.Suresh

..... Respondents

PRAYER: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining



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to the 3rd respondent's impugned Order in e.f.M. 4/18736/2009 dated 19.07.2011 to quash the same as illegal and consequently confirm the 2nd respondent's order in Nk.K.vz;.7/2007 (Pudukkottai), dated 23.03.2009.

For Petitioner	: Mr.N.A.Palaniyandi
For R1 – R3	: Mr.M.Lingadurai Special Government Pleader
For R4 & R5	: Mr.N.Balakrishnan

ORDER

The present writ petition has been filed challenging an order passed by the 3rd respondent herein, under which he has reversed the order of the 2nd respondent and restored the order of the 1st respondent passed under Tamil Nadu Agricultural Lands Record of Tenancy Right Act, 1969.

2. The writ petitioner is the landlord. The respondents 4 and 5 in the writ petition have filed an application before the 1st respondent herein to record themselves as a cultivating tenant. The 4th respondent claimed to be a cultivating tenant of 12 acres in Survey No.24/1C out of 13.47 acres. The 5th respondent herein claimed to be a tenant for an extent of 1.47 acres in Survey No.24/1C. The 5th respondent further claimed that he is the tenant of an extent



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of 7.37 acres in Survey No.225/1 and for an extent of 1.39 acres in Survey No.35/2 in Panampatti Village, Illuppur Taluk, Pudukkottai District.

3. After hearing the writ petitioner/landlord and the respondents 4 and 5 herein, the 1st respondent was pleased to allow the application and recorded the respondents 4 and 5 as the cultivating tenants of the above said property by an order, dated 16.05.2007 in R.T.R.No.3/2006.

4. Aggrieved over the same, the writ petitioner/landlord filed an appeal before the 2nd respondent herein in appeal no.7 of 2007. The Revenue Court reversed the order passed by the 1st respondent and dismissed the application filed by the respondents 4 and 5 herein. The respondents 4 and 5 filed a revision before the 3rd respondent herein on 20.05.2009. After hearing both the parties, the revision petition was allowed on 19.07.2011. Under the said impugned order, the 3rd respondent has reversed the order passed by the 2nd respondent herein and restored the order of the 1st respondent. This order is under challenge in the present writ petition.

5. The learned counsel appearing for the petitioner/landlord had contended that the respondents 4 and 5 herein are not in possession or



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enjoyment of the survey numbers in dispute. They were never the cultivating tenants of the said property. The petitioner himself is in personal occupation of the above said survey numbers. There is no written lease agreement or any contract between the petitioner and the respondents 4 and 5 herein. He further contended that at no point of time, the lease amount was ever paid by the respondents 4 and 5 to the writ petitioner. The respondents 4 and 5 herein being adjacent land owners are attempting to compel the petitioner to alienate the properties in their favour. Only in order to compel the petitioner, the respondents 4 and 5 have filed such an application before the 1st respondent herein to record themselves as a cultivating tenant.

6. The learned counsel appearing for the petitioner had further contended that when the respondents 4 and 5 themselves are landlords of the adjacent property, it is not believable that they are the cultivating tenants of the adjacent property. Taking advantage of the fact that the petitioner is an absentee landlord and carrying out cultivating operations through a manager, the respondents 4 and 5 are attempting to usurp the property of the writ petitioner. He further contended that no records have been placed by the respondents 4 and 5 to establish that they have ever paid any lease amount to the landlord. He further contended that the 2nd respondent after proper



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appreciation of the factual aspects, has arrived at a finding that the respondents 4 and 5 have not established that they are the cultivating tenants.

However, the 3rd respondent without properly appreciating the documents, has allowed the revision and declared respondents 4 and 5 as a cultivating tenant. Hence, he prayed for allowing the writ petition.

7. Per contra, the learned counsel appearing for the respondents 4 and 5 have contended that even while the adoptive mother of the writ petitioner was the owner of the property, they have entered into possession of the property as a cultivating tenant. As far as the 4th respondent is concerned, his grandmother Palaniyayi and after her lifetime, his mother Subbulakshmi were also the cultivating tenants. After their lifetime, the petitioner is cultivating the property. Paddy and groundnut are being given as lease amount to the landlord. The 4th respondent has further contended that the writ petitioner has entered into a sale agreement with his mother on 01.12.1972 after receiving an advance amount of Rs.800/- (Rupees Eight Hundred only) and he has also issued a receipt for the same. The 4th respondent has dug a well and he is also using an oil motor to draw water from the said well for carrying out agricultural operations. He further contended that the writ petitioner has admitted about the digging of the well in his statement before the 1st respondent herein on 20.12.2006.



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8. The learned counsel had further contended that the 5th respondent's father was the original cultivating tenant for the past 20 years. They have cultivated Eucalyptus trees, corn and ground nut . The 5th respondent's father has passed away 10 years back and his mother and brother are assisting him in carrying out the agricultural operations. The 5th respondent has further contended that the writ petitioner has entered into a sale agreement with the 5th respondent's mother on 12.03.1998 to alienate the properties after receiving an advance amount of Rs.40,000/- (Rupees Forty Thousand only) and he has also issued a receipt for the same. The 5th respondent has further contended that the petitioner has addressed a letter on 02.01.2006, in which he has admitted about the payment of advance amount towards sale consideration. He has further contended that he is regularly paying the lease amount to the landlord. The learned counsel appearing for the respondents 4 and 5 has contended that the order impugned in the writ petition may be sustained and the writ petition may be dismissed.

9. I have carefully considered the submissions made on either side.

10. There is no dispute that the writ petitioner is the owner of Survey Nos.24/1C, 225/1 and 35/2. The respondents 4 and 5 have approached the 1st



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respondent by filing R.T.R.No.3 of 2006 to record themselves as a cultivating tenant. Before the 1st respondent, the respondents 4 and 5 have filed various documents to establish that they are the cultivating tenants of the property. On the other hand, the writ petitioner has also filed certain documents to establish that the respondents 4 and 5 are not the cultivating tenants. The 1st respondent has also relied upon a letter, dated 02.01.2006 written by the writ petitioner admitting the tenancy of the 4th respondent herein and granted the relief with regard to the 4th respondent. The 1st respondent has also relied upon certain adangal receipts to arrive at a finding that the 5th respondent is the cultivating tenant for some of the survey numbers.

11. The 2nd respondent has reversed the order passed by the 1st respondent on the ground that no lease agreement has been produced on the side of the respondents 4 and 5 to establish their tenancy right over the property. When there is no written lease agreements, the contention of the alleged tenants is not acceptable. On the said ground, the appeal was allowed by the 2nd respondent herein.

12. The 3rd respondent mainly relied upon the adangal extracts of fasli year 1416-1418 to arrive at a finding that the name of the respondents 4 and



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5 are found in the said adangal receipts. The 3rd respondent has further found that in a letter, dated 02.01.2006, the landlord has admitted the tenancy of the 5th respondent herein. The 3rd respondent has also relied upon the receipts said to have been executed by the writ petitioner towards part sale consideration for alienating the properties in favour of the ancestors of the respondents 4 and 5 herein.

13. The main contention of the writ petitioner is that there is no registered lease agreement between him and the respondents 4 and 5 herein. The lease, being agriculture in nature, written agreement is not mandatory. The respondents 4 and 5 have produced adangal receipts for the fasli year 1416-1418 to establish that they are cultivating the properties. Though the petitioner claims that he is personally cultivating the properties through his manager, no documents have been placed on record to establish his personal cultivation. It is an admitted fact that the petitioner is an absentee landlord and the properties are being managed through a manager. However, no documents have been placed on record either to establish their personal cultivation or that of the manager. On the other hand, the respondents 4 and 5 have placed on record the extract of adangal register to establish their cultivation of the properties in dispute. The respondents 1 and 3 have



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properly appreciated these documents and declared that respondents 4 and 5 are the cultivating tenants. The 2nd respondent/Revenue Court had rejected the request of the respondents 4 and 5 only on the ground that there is no written lease agreement between the petitioner and the respondents 4 and 5 herein.

14. In view of the above said facts, this Court finds that there is no illegality or infirmity in the order passed by the 3rd respondent in recording the respondents 4 and 5 as the cultivating tenants of the above said survey numbers. This writ petition is devoid of merits. Hence, this Writ Petition stands dismissed. No costs.

03.01.2023

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Internet : Yes/No
Index : Yes/No



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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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