



W.P(MD)No.18183 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18183 of 2014
and
M.P.(MD)No.1 of 2014

Bharathi Mohan

... Petitioner

Vs.

1.The Thanjavur District Revenue Officer Cum
Revisional Authority Record to Tenancy Rights,
Thanjavur.

2.The Appellate Authority Record to Tenancy
Rights Cum Special Deputy Collector,
Revenue Court, Thanjavur.

3.Records to Tenancy Officer cum Tahsildar,
Thiruvudai Maruthur, Thanjavur District.

4.P.Panchanathan

5.The Manager,
Sri Kasi Vasi Group of Trustee,
Sri Kasi Madam,
Thirupananthal, -612 504,
Thanjavur District.

... Respondents



W.P(MD)No.18183 of 2014

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent dated 27.08.2014 made in R.P.No.10 of 2012 confirming the order of the 2nd respondent dated 30.04.2012 made in Ku.Vu.Pa.Me.Mu.No.8/2010 quash the same and further confirm the order of the 3rd respondent dated 26.10.2010 made in Ku.Vu.Pa.No.24/2007, pending disposal of the above writ petition.

For Petitioner : K.Prabhu

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3.
Mr.S.Rajasekar for R4.
Mr.K.Saravanan for R5.

ORDER

Heard the learned counsel on either side.

2.The dispute is between the petitioner and the fourth respondent. Both claim tenancy right under the fifth respondent. According to the petitioner, the fifth respondent leased out 17 cents of land in favour of his



W.P(MD)No.18183 of 2014

father and after his father's demise, he is continuing to be in possession and enjoyment of the land and that he is cultivating the same. The case of the fourth respondent is that out of 17 cents claimed by the petitioner, 3 cents are under his possession and enjoyment. The fourth respondent had moved the Deputy Tahsildar under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 and his name was entered as a cultivating tenant in respect of 3 cents land as early as on 27.12.2001. Whiles, the petitioner herein submitted an application before the third respondent on 06.10.2008 for entering his name as a cultivating tenant for 17 cents of land. The third respondent passed an order allowing the petitioner's application on 26.10.2010. Aggrieved by the same, the fourth respondent prepared an appeal before the second respondent. The second respondent vide order dated 30.04.2012 set aside the order passed by the third respondent and remanded the matter for conducting fresh enquiry. Challenging the same, the writ petitioner herein filed revision before the first respondent. The first respondent by the impugned order dated 27.08.2014 confirmed the order of the second respondent. Questioning the same, the present writ petition came to be filed.



W.P(MD)No.18183 of 2014

WEB COPY

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.Per contra, the learned Additional Government Pleader for the official respondents as well as the learned counsel for the fourth respondent submitted that the impugned order does not call for interference.

5.The learned counsel for the mutt submitted that neither the petitioner nor the fourth respondent are paying rent to the mutt and that it is proposed to evict both of them. At this stage, the learned counsel for the petitioner as well as the learned counsel for the fourth respondent interjected and pointed out that even though they had sent arrears of rent by money order / demand draft, the mutt had returned the same.

6.I carefully considered the rival contentions and went through the materials on record. The petitioner has one legal impediment to



W.P(MD)No.18183 of 2014

overcome. The fourth respondent had obtained a statutory order in his favour under Section 4 of the Tamil Nadu Act 10 of 1969. This order was passed without notice to the writ petitioner herein. The petitioner therefore can very well file an appeal under Section 6 of the Act. I permit the petitioner to file an appeal against the order dated 27.12.2001 passed in favour of the fourth respondent. If such an appeal is filed within a period of four weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation by the appellate authority. Since all the issues raised in this writ petition can very well be projected in the said appeal, there is no need for the Tahsildar to undertake any independent exercise. The appellate authority can however call for a report from the Tahsildar, Thiruvudai Maruthur as contemplated in the impugned order. In other words, the endeavour of the appellate authority shall be to find out if really the fourth respondent was given lease of 3 cents of land by the mutt. The parties are at liberty to adduce evidence before the appellate authority. The appellate authority will also examine the mutt representative. I leave open all the issues. The contentions and defences of the respective parties are left open.



W.P(MD)No.18183 of 2014

WEB COPY

7.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

27.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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W.P(MD)No.18183 of 2014



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W.P(MD)No.18183 of 2014

G.R.SWAMINATHAN, J.

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W.P(MD)No.18183 of 2014

27.07.2023