

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

W.P.(MD)No.18213 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

K.R.Geetha

....Petitioner

Vs

1.The District Revenue Officer,
Collector's Office,
Madurai – 625 002.

2.The Special Deputy Collector,
Revenue Court,
Collector's Office, Madurai – 625 002.

3.The Tahsildar,
Madurai North,
Collector's Office, Madurai – 625 002.

4.K.Panchavarnam

5.K.R.Usha Rani

6.K.R.Venkateswaran

through his Power Agent, K.S.Dinakaran

7.K.R.Lakshmi Rani

8.K.R.Durga Rani

...Respondents

(Respondents 5 to 8 were impleaded vide order of this Court dated 05.09.2023 in W.M.P(MD)No.7817 of 2022)

PRAYER: The Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No. 37588/2014/G3 dated 18.09.2014 and to quash the same.

For Petitioner	:Mr.T.R.Subramanian
For R1 to R3	:Mr.C.Satheesh Government Advocate
For R4	:Mr.S.Muniyandi
For R5 to R8	: Mr.J.Gunaseelan Muthiah

ORDER

This Writ Petition has been filed in the nature of a Writ of Certiorari to quash the impugned order passed by the first respondent, dated 18.09.2014.

2.One Panchavarnam, who is arrayed as fourth respondent in this Writ Petition, had approached the third respondent herein to record herself as cultivating tenant of 2 acres of land in S.No.22/1C in Kalikappan Village, Madurai District. One K.R.Krishnamani, who was the owner of the property at the relevant point of time, had not appeared before the third respondent and therefore, the fourth respondent herein was recorded as the cultivating tenant by an order dated 22.03.2002.

3. After the death of said K.R. Krishnamani, the daughter of the said K.R. Krishnamani, had filed an appeal before the second respondent with a delay of 850 days challenging the order of recording the said Panchavarnam as cultivating tenant. The second respondent herein by his order, dated 06.06.2014, had dismissed the condone delay application on the ground that despite receipt of the original order, neither the original landlord, namely, K.R. Krishnamani, nor his legal heirs have filed the appeal in time. Challenging the said order, the Writ Petitioner had filed a Revision Petition before the first respondent. The first respondent had also dismissed the Revision Petition on the ground that the Writ Petitioner had not properly explained the delay in filing the appeal before the second respondent. Challenging the same, the present Writ Petition has been filed.

4. When the Writ Petition was taken up for hearing, the learned Counsel for the fourth respondent had brought to the notice of this Court that the fourth respondent, namely, Panchavarnam, had passed away on 15.07.2022 and no steps have been initiated to implead her legal heirs.

5.Per contra, the learned Counsel for the Writ Petitioner had contended that since the declaration of status as a cultivating tenant is personal in character to the said Panchavarnam, her legal heirs could not be impleaded.

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

7.As rightly contended by the learned Counsel for the Writ Petitioner, the rights conferred upon the cultivating tenant are personal in character and the said rights cannot be inherited by her legal heirs automatically, unless they independently establish that they are cultivating the said land. Therefore, the order, dated 22.03.2002, passed by the third respondent herein recording the said Panchavarnam, as cultivating tenant, will not have any effect whatsoever after the death of said Panchavarnam. The legal heirs of the said Panchavarnam have to approach the third respondent in the Writ Petition to record themselves as cultivating tenants, if they are so advised and the same has to be decided on merits

independently.

8. In view of the subsequent events, no further orders are called for in the Writ Petition. The Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

14.09.2023

Index : Yes/No

(1/2)

Internet : Yes/No

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R.VIJAYAKUMAR, J.

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(1/2)