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C.R.P.(MD)No.1974 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1974 of 2022

and

C.M.P.(MD)No.9071 of 2022

Duraiyappa, S/o.Rajappa

.. Petitioner

Versus

Shanthi, W/o.Sivasubramanian

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, against the order dated 23.01.2018, made in P.No.2 of 2017, on the file of the Revenue Court, Thanjavur Camp, Papanasam.

For Petitioner : Mr.G.Karnan

For Respondent : Mr.A.Senthilkumar

ORDER

The petitioner is the unsuccessful respondent before the Special Deputy Collector-cum-Revenue Court, Thanjavur Camp, Papanasam, in P.No.2 of 2017, filed by the respondent under the provisions of the Tamil Nadu Cultivating Tenants Protection Act, 1955.



2. The said proceedings was initiated by the respondent to recover the arrears of rent for the Fasli years between 1417 and 1425, corresponding to the English Calendar years between 2007 and 2015. By the impugned order, the Special Deputy Collector-cum-Revenue Court, Thanjavur, in P.No.2 of 2017, has ordered a sum of Rs.80,074/- towards arrears of rent payable by the petitioner to the respondent.

3. It appears that the petitioner has not paid the rent for the subsequent period and thereafter, pursuant to the order passed by the Special Deputy Collector-cum-Revenue Court, Thanjavur, in P.No.2 of 2017, on 23.01.2018, the petitioner had also filed I.A.No.2 of 2018 in P.No.2 of 2017, to recall the order, which was also dismissed by the Special Deputy Collector-cum-Revenue Court, Thanjavur, on 14.12.2020. Thereafter, the petitioner also filed F.R.P.No.1 of 2019 before the Special Deputy Collector-cum-Revenue Court, Thanjavur, which was also dismissed on 21.12.2020.

4. It is, thereafter, the respondent has filed E.P.No.121 of 2021 before the Special Deputy Collector-cum-Revenue Court, Thanjavur, pursuant to which, delivery has also ordered. At that stage, the petitioner has also filed O.S.No.148 of 2022 before the District Munsif-cum-Judicial Magistrate Court, Papanasam, for a permanent injunction to restrain the respondent from taking physical possession of the suit property. In the said suit, the petitioner had also filed I.A.No.381 of 2022



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not to disturb the physical possession of the property and the respondent has also filed a counter in the said application.

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5. Since no order has been passed, the petitioner has filed present Civil Revision Petition long after the order came to be passed by the Special Deputy Collector-cum-Revenue Court, Thanjavur, *i.e.*, on 23.01.2018, which clearly proves that the present proceedings has been initiated as an afterthought after the petitioner remained unsuccessful in I.A.No.2 of 2018, F.R.P.No.1 of 2019 and E.P.No.121 of 2021. Further, O.S.No.148 of 2022 filed by the petitioner before the District Munsif-cum-Judicial Magistrate Court, Papanasam, is pending.

6. Under these circumstances, the present Civil Revision Petition is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

21.03.2023

The Special Deputy Collector-cum-
Revenue Court, Thanjavur Camp,
Papanasam.



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C.SARAVANAN, J.

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Order made in
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