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W.P.(MD)NO.18016 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18016 of 2015 AND

M.P.(MD)No.1 of 2015

R.Krishnaveni

... Petitioner

Vs.

1. The Special Deputy Collector and
Revenue Court,
Revenue Divisional Officer,
Thanjavur.

2. The Executive Officer,
Arulmigu Sree Appala Renganathasamy Thirukoil
Koviladi, Alamelpuram – Pondi,
Budur Taluk, Thanjavur District.

3. R.Prabakaran,
Chairman,
R.R.R.Charities,
Koviladi, Alamelpuram-Pondi,
Budur Taluk, Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the proceedings of the 1st respondent made in Pet No. 187/2012 Thiruvaiyaru dated 20.06.2014 and the consequential proceedings made in Petition No. 187/2012 Thiruvaiyaru dated 20.06.2015 and 28.08.2015 and quash the same.



For Petitioner : Mr.M.Suresh Kumar
For R-1 : Mr.SR.A.Ramachandran,
Additional Government Pleader.
For R-3 : Mr.Raguvaran Gopalan

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is the lessee under the third respondent. The third respondent filed petition under Section 19 of Tamil Nadu Act 57 of 1961 before the first respondent for determination of the lease rent payable by the petitioner. The petition was filed in the year 2012 for the fasli years 1416 to 1421. On 20.06.2014, the first respondent allowed the petition and determined the annual rent payable by the petitioner at Rs.31,800/-. It was held that the petitioner was in arrears of Rs.1,90,800/-. Since the petitioner did not pay the said amount, eviction order was also subsequently issued. Challenging the same, this writ petition came to be filed.



3. At the time of admission, an interim order was passed by directing the petitioner to deposit a sum of Rs.90,000/- with the first respondent.

4. The petitioner has since complied with the said interim order.

5. The learned counsel appearing for the petitioner pointed out that the impugned order does not disclose the basis on which the annual lease rent was quantified. He therefore called upon this Court to set aside the order and remand the matter to the file of the first respondent for fresh consideration.

6. The learned Additional Government Pleader appearing for the first respondent as well as the learned counsel appearing for the third respondent submitted that the petitioner is in enjoyment of 2½ acres of Nanjai land (assured wet irrigation land). It is said to be located near river Kaveri. It is not as if the first respondent had arbitrarily arrived at the figure. He had taken into account the paddy produced from



the land and also taken into account its value and then fixed the annual rent. They submitted that the impugned order deserves to be sustained and pressed for dismissal of the writ petition.

7. I carefully considered the rival contentions and went through the materials on record.

8. The submission of the respondents might as well be right. But the impugned order does not disclose the same. In matters such as this, there must be at least a summary enquiry. There is nothing on record to show that the petitioner and the authorised representative of the third respondent were examined. No document has been marked. Even paddy produce has not been mentioned in the impugned order. In my view, the impugned order is rather cryptic. Therefore, on that ground the same is set aside.

9. The matter is remanded to the file of the first respondent. The first respondent shall fix the next hearing date as 21.08.2023. The petitioner will not receive any fresh enquiry notice from the first respondent. Enquiry shall be held



on the said date at 3.00 pm. by the first respondent. I make it clear that I have not gone into the merits of the matter. All the contentions of the respective parties are left open. The sum of Rs.90,000/- deposited by the petitioner with the first respondent can be withdrawn by the third respondent. This amount can be adjusted in terms of the final order to be passed by the first respondent pursuant to the remand order now passed by this Court. I further make it clear that the scope of this order is confined to the fasli years from 1416 to 1421 and it will not have any bearing on the action that may be taken by the third respondent for the subsequent years. The eviction order is dependent on the order dated 20.06.2014. Since it has been set aside, the eviction order also goes. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2023

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

The Special Deputy Collector and
Revenue Court,
Revenue Divisional Officer,
Thanjavur.



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G.R.SWAMINATHAN,J.

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