

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.1992 of 2022

and

CMP(MD)No.9160 of 2022

Rahamathullah

... Petitioner/Respondent/Respondent/
Landlord

Vs.

Ramalingasamy

... Respondent/Petitioner/Petitioner/
Cultivating Tenant

PRAYER:- This Civil Revision Petition has been filed under Section 115 of the Constitution of India, to set aside the order dated 22.08.2022 passed by the Revenue Court (Special Deputy Collector), Trichy, in I.A.No.48 of 2022 in I.A.No.16 of 2021 in petition No.133 of 2019.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.M.Karthikeyavenkatachalapathy

ORDER

This petition has been filed to set aside the order dated 22.08.2022, passed by the Revenue Court (Special Deputy Collector), Trichy, in I.A.No. 48 of 2022 in I.A.No.16 of 2021 in Petition No.133 of 2019.

2. By the impugned order, the Revenue Court (Special Deputy Collector), Trichy, allowed I.A.No.48 of 2022 in I.A.No.16 of 2021 in Petition No.133 of 2019 filed for condoning the delay of 162 days in filing the restoration application and, ordered restoration of Petition No.133 of 2013 filed by the respondent.

3. The petitioner is the owner of the property. The respondent had filed Petition No.133 of 2019 before the Revenue Court (Special Deputy Collector), Trichy, under Section 3 (3) of the Tamil Nadu Cultivating Tenants Protection Act, 1955 to deposit rent for the years 2017-18 and 2018-19. The petition filed by the respondent was dismissed for non-prosecution on 01.02.2021. The respondent, therefore, filed I.A.No.16 of 2021 for restoration of Petition No.133 of 2019 without filing an application for condonation of delay.

4. By the order dated 22.03.2022, the Revenue Court, has dismissed I.A.No.16 of 2021 stating that the application was filed without merits and no application for condonation of delay was filed by the respondent. Under these circumstances, the respondent has filed I.A.No.48 of 2022 to condone the delay of 162 days.

5. By the impugned order dated 22.08.2022, the Revenue Court, has condoned the said delay of 162 days without notice to the petitioner and thereby, ordered for restoring Petition No.133 of 2013 filed by the respondent.

6. It is the specific case of the petitioner that condonation of delay without notice to the petitioner was in violation of the statutory safeguards guaranteed under the provisions of the aforesaid Act.

7. The learned counsel for the respondent has drawn the attention of this Court to an order secured by the petitioner on 31.01.2022 in Crl.O.P. (MD)No.1525 of 2022 wherein, the Revenue Court has been directed to expedite the proceedings in Petition No.133 of 2019, on merits and in accordance with law within a period of 16 weeks from the date of receipt of a copy of that order.

8. In my view, the Revenue Court should have returned the application filed for restoration of Petition No.133 of 2019 (i.e., I.A.No.16 of 2021), insisting the respondent to file an application for condoning the delay along with the restoration application. Instead, the Revenue Court has dismissed I.A.No.16 of 2021 filed for restoration of Petition No. 133 of 2019 and thereafter, allowed I.A.No.48 of 2022 filed by the respondent subsequently

for condoning the delay of 162 days in filing the restoration application and ordered restoration of Petition No.133 of 2013.

9. Though, the procedure adopted by the respondent before the Revenue Court was incorrect, the facts remains that this Court in Crl.O.P. (MD)No.1525 of 2022 filed by the petitioner herein has directed the Revenue Court to expedite the proceedings initiated by the respondent herein in Petition No.133 of 2019.

10. Although there are technical violations on the part of the Revenue Court in disposing the application filed for condoning the delay of 162 days and in restoring petition No.133 of 2013, vide impugned order dated 22.08.2022, no case is made out for interfering. Therefore, this Court is inclined to dismiss the present Civil Revision Petition. The respondent is however directed to pay a sum of Rs.5,000/- within 30 days to the petitioner. Subject to the payment of the aforesaid amount to the petitioner, the Revenue Court/Special Deputy Collector, Trichy, shall dispose Petition No.133 of 2019 on merits as expeditiously as possible preferably within a period of six months from the date of a receipt of a copy of this order.

11. With the above direction, this Civil Revision Petition stands

dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss/smn2

13.03.2023

To

- 1.The Revenue Court (Special Deputy Collector),
Trichy.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

C.R.P(MD).No.1992 of 2022

C.SARAVANAN,J.

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