



W.P(MD)No.24152 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24152 of 2023

N.Senthil

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to issue Uzhavadai Patta for the survey properties in S.No.21/2 to an extent 17.5 Ares, 4/7A to an extent 5.50 Ares, together 23 Ares bearing Patta No.59 stands in the name of K.Ramarao and another Patta No.59 stands in the name of N.V.Sabapathy Iyer for the property in S.No.21/6 to an extent 17.5 Ares, S.No. 4/11A1 to an extent .05 Ares, S.No.4/8B to an extent 0.3.0 Ares altogether total an extent 0.21.0 Ares, situated at Piraakudi Village, Madurai South Taluk, Madurai District based on the representation dated 26.07.2023 within a specific period as fixed.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.K.Balasubramani
Special Government Pleader

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Shri.Saravana Kumar intervened on behalf of the land owners.

2. The question of granting relief in this writ petition does not arise. If the petitioner wants to record himself as a cultivating tenant, he must approach the statutory authority by filing a statutory petition. The question of giving any direction does not arise at all.

3. The learned counsel for the intervenor submits that the petitioner had earlier filed W.P.(MD)No.13274 of 2022 and that the said writ petition was dismissed by me on 17.08.2022. Paragraph No.5 of the said order reads as follows:-

“5. I carefully considered the rival contentions and went through the materials on record. That the petitioner is in possession and enjoyment does not appear to be in doubt. The only question that calls for consideration is whether the petitioner can be recorded as a cultivating tenant. It is true that the tenancy agreement can be oral also. But before the authorities, the petitioner has not placed any convincing materials to show that the landlords recognised him as a cultivating tenant. It is not enough that a person is in possession and enjoyment of a agricultural land. He has



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to necessarily establish by adducing convincing evidence that the land owner inducted him as a tenant. In this case, admittedly, there is no written agreement. There is nothing to show that the petitioner or his grandfather Pitchaiambalam paid any lease arrears. No receipt issued by the landlords has been marked. This is a case where there is a complete paucity of material. That is why, as many as three authorities constituted under the relevant statute chose to hold against the writ petitioner. In exercise of jurisdiction under Article 226 of Constitution of India, the finding of fact arrived at by the authorities based on the material before them cannot be interfered with, unless if it is shown that the authorities adopted a perverse approach. In this case, the authorities have fully applied their minds. Therefore, I decline to interfere.”

4. It is seen that the petitioner's earlier attempt to get himself recorded as a cultivating tenant did not succeed. Therefore, the question of re-agitating the issue does not arise. The writ petition is dismissed. No costs.

05.10.2023

Index : Yes / No
Internet : Yes/ No
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To
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G.R.SWAMINATHAN, J.



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