



C.R.P.(MD)No.322 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.322 of 2021

and

C.M.P.(MD)No.1829 of 2021

P.Samayan

.. Petitioner

Versus

1.G.Nagarajan

2.K.Karthikeyan

3.S.P.Ananth

.. Respondents

Prayer:- Petition filed under Section 6-B of the Tamil Nadu Cultivating Tenants Protection Act, 1955, read with Section 115 of C.P.C., against the order made in T.C.T.P.No.3 of 2009, dated 03.07.2017, on the file of the Special Deputy Collector-cum-Revenue Court, Madurai.

For Petitioner : Mr.V.Shathurthiraja
for Mr.S.Chandrasekaran

For Respondent : Ms.T.Sathya Selvi

ORDER

This Civil Revision Petition has been filed against the order made in T.C.T.P.No.3 of 2009, dated 03.07.2017, on the file of the Special Deputy Collector-cum-Revenue Court, Madurai.



2. The petitioner has challenged the impugned order passed by the Special Deputy Collector of Revenue Court, Madurai, in T.C.T.P.No.3 of 2009. By the impugned order, the Special Deputy Collector of Revenue Court, Madurai, has dismissed the petition filed by the petitioner for depositing the rent payable under the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent [Relief] Act, 1990, on the ground that subject to the final outcome of the proceedings initiated by the petitioner for recognizing him as cultivating tenant under the provisions of the said Act, he can file appropriate application for deposit of rent.

3. It is the specific case of the petitioner that the land originally belonged to one Ganapathi Chettiar and after his death, his son namely, Sundaram Chettiar inherited the property. It is the further case of the petitioner that the legal heirs of Late.Ganapathi Chettiar sold the land to the first respondent, who in turn, had sold the land to the respondents 2 and 3. It is further submitted that the petitioner is in possession of the property all along. An attempt was made by the respondents even during the lifetime of the said Ganapathi Chettiar, by filing separate suits for permanent injunction in O.S.No.641 of 2008, on the file of I Additional Sub-Court, Madurai and O.S.Nos.38 and 39 of 2008, on the file of the District Munsif Court, Melur, Madurai District. However, the said suits came to be dismissed for non-prosecution on 28.01.2010, 04.06.2012 and 06.06.2012, respectively.



4. I have considered the arguments advanced by the learned counsel for the petitioner and perused the impugned order of the Special Deputy Collector of Revenue Court, Madurai, dated 03.07.2017, made in T.C.T.P.No.3 of 2009.

5. The impugned order passed by the Special Deputy Collector of Revenue Court, Madurai, has not determined the rights of the petitioner in one way or the other. On the other hand, the rights of the petitioner has been preserved subject to the petitioner being recognized as cultivating tenant under the provisions of the aforesaid Act. Even if the order dated 03.07.2017 was received by the petitioner on 16.04.2018, there is no merit in the challenge to the impugned order or to set aside the order at this distant point of time. The petitioner should have pursued with the application filed before the Tahsildar for recognizing him as a cultivating tenant under the provisions of the aforesaid Act.

6. Therefore, this Civil Revision Petition is dismissed, preserving the rights of the petitioner to pray for an order from the jurisdictional Tahsildar for recognizing him as cultivating tenant in accordance with the provisions of the aforesaid Act. No costs. Consequently, connected Miscellaneous Petition is closed.

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

The Special Deputy Collector-cum-Revenue Court,
Madurai.

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C.SARAVANAN, J.

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Order made in
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