



CRP No.372 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.372 of 2024 and
CMP No.1740 of 2024

B.Indira

... Petitioner

Vs.

1. V.Malini

2. The Record Officer-cum-Tahsildar,
Valangaiman Taluk, Tiruvarur District,
Pin 612 801.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the proceedings in RTR Appeal No.1/2020 pending on the file of the Special Deputy Collector, the Revenue Court, Tiruvarur.

For Petitioner

: Mr.S.Sathiaseelan

ORDER

1 of 7



CRP No.372 of 2024

WEB COPY

This Civil Revision Petition has been filed to strike off the proceedings in RTR Appeal No.1/2020 pending on the file of the Special Deputy Collector, the Revenue Court, Tiruvarur.

2. The petitioner herein is a cultivating tenant of lands in Survey No.31/1 and 33/1 to an extent of Acre 05.72 cents, in 54, Pulavarnaththam Village, Valangaiman Taluk, Tiruvrur. Without knowing that, part of the above lands in Survey No.31/1 was sold in favour of third parties, the petitioner has been paying lease amount in kind i.e.25 paddy bags per annum to the first respondent. However, the first respondent, with malafide intention, has preferred the subject matter of the appeal before the Revenue Court, Tiruvarur dated 08.01.2020, to cancel the " approved record of tenancy right entry" made on the file of the second respondent herein on the following grounds.

a. Without the opinion of the first respondent, tenancy right of



WEB COPY



CRP No.372 of 2024

the petitioner was recorded.

b. In 1996, Will for the aforesaid land in Survey No.31/1 and 33/1 registered in the name of the first respondent and she became absolute owner, after the death of late Chellathachi in the year 2005.

c. Patta for the aforesaid land was also transferred in the name of the first respondent on 06.09.2005 and

d. Petitioner had registered the tenancy without her permission and for several years, the petitioner, without paying the lease amount, cheating he first respondent.

The above appeal has been taken on file in RTR Appeal No.1/2020 and the same is now pending before the Revenue Court. Hence, to strike off the above appeal, the present civil revision petition has been filed.

3. The learned counsel for the petitioner submitted that, the petitioner is a cultivating tenant of lands in Survey No.31/1 and 33/1 to an extent of Acre 05.72 cents, in 54, Pulavarnaththam Village, Valangaiman Taluk, Tiruvarur and she has been paying the lease amount to the first respondent herein, who is the owner of the above said lands. It is the contention of the petitioner that, the Will executed in favour of first respondent was came into



CRP No.372 of 2024

effect only in the year 2005, on the death of original owner Chellathatchi, therefore, the first respondent cannot prefer an appeal to cancel the entry in the approved record of Tenancy Right, made on the file of the second respondent in the year 1988, after a lapse of 22 years. Further, the learned counsel for the petitioner contended that, as per Section 3 of the Record of Tenancy Right Act, the cancellation or deletion of record of tenancy right entry can only be done by the second respondent, not by the Revenue Court. Apart from that, as per Rule 12 of the RTR Rules, limitation for filing an appeal as against the order of the second respondent/Record Officer is 60 days made under Section 3(8), 4(3) and 5(3) of the RTR Act. But, without any iota of explanation for the delay for about 22 years, the appeal has been preferred. Therefore, the first respondent being a successor owner of lands under tenancy, ought to have approached the second respondent under Section 5(3) of the Act, instead, preferred an appeal before the Revenue Court, which has no jurisdiction to entertain the appeal.

4. Heard the learned counsel for the petitioner and I have perused the



CRP No.372 of 2024

materials on record.

5. It is not disputed that as per Section 6 of the Tamil Nadu Agricultural Lands Record of Tenancy Right Act, 1969, the appellate authority is having jurisdiction to entertain any appeal filed by any person, with regard to an order, made under sub section 3 (8), Section 4(3) or Section 5 (3) , may within such period as may be prescribed for appeal to such authority as may be specified by the Government in this behalf. In such circumstances, the Revenue authority is a competent authority to entertain the appeal. Further, if the first respondent is aggrieved with the tenancy right granted to the petitioner, she is having every right to file a statutory appeal. Hence, the first respondent has filed the appeal in RTR No.2/2020 before the competent appellate authority and the same was entertained and consequently, notices were also given to the petitioner, calling upon her to attend for enquiry, along with the records, on the hearings dates, as stated therein. The appellate authority being a staff, I find no reason to strike out the appeal proceedings and hence, the civil



CRP No.372 of 2024

revision petition is liable to be dismissed.

6. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

13.02.2024

Index: Yes/No
Internet: Yes/No
mst

To
The Special Deputy Collector, Revenue Court, Tiruvarur.



WEB COPY



CRP No.372 of 2024

V.SIVAGNANAM, J.,

mst

CRP No.372 of 2024

13.02.2024

7 of 7