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W.P. No.3547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3547 of 2024 and

W.M.P.No.3810 of 2024

A.Shanmugam

... Petitioner

Vs.

1.Special Deputy Collector,
Revenue Court (Camp Coimbatore),
Tiruchirappalli – 620 001.

2.R. Srinivasan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent by proceedings in P.No.211 of 2014 dated 22.01.2024 and quash the same and may be pleased to remand and direct the 1st respondent to re-hear the main Rent Deposit Petition after passing orders in Amendment Petition and after receiving additional documents and pass orders in accordance with law.

For Petitioner : Mr. V. Karthikeyan

For Respondents : Mr. T.Arun Kumar

Additional Government Pleader (for R1)

: Mr. R.Singaravelan, Senior Advocate,
for Mr. A.E. Ravichandran (for R2)



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ORDER

This Writ Petition is filed seeking to issue to a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent by proceedings in P.No.211 of 2014 dated 22.01.2024 and quash the same and may be pleased to remand and direct the 1st respondent to re-hear the main Rent Deposit Petition after passing orders in Amendment Petition and after receiving additional documents and pass orders in accordance with law.

2. The case of the petitioner is that he is a cultivating tenant. His father was having tenancy rights from the year 1972 and after the death of his father, the petitioner filed an amendment petition to register his name in the record of tenancy in the year 2014. Initially, his petition was allowed and it was latter remanded in writ proceedings and thereafter his petition was dismissed and in appeal in A.P.No.4/2017, by two orders dated 02.03.2023 and 07.03.2023, without hearing this petitioner, the appeal was dismissed. Against which, the petitioner has filed W.P.No.11313 of 2023



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which is still pending however, interim stay was vacated therein. Against the order of vacating interim stay, a writ appeal in W.A.No.2935 of 2023 has been filed and the First Bench was pleased to grant an order of status-quo by order dated 30.10.2023 in which, the 1st respondent/authority filed counter. The 2nd respondent filed a memo objecting to proceed with the case by the then Presiding Officer which was recorded in notes paper dated 24.11.2017 and from then, the case has been regularly adjourned at the instance of the contesting respondent. Now all of a sudden, in spite of the said status-quo order, the 1st respondent disposed of the rent deposit petition. Hence the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner is a cultivating tenant and as per the Tamil Nadu Cultivating Tenancy (Payments of Fair Rent) Act, the petitioner deposited the amount but the deposit petition was dismissed by the Tenancy Tahsildar without giving any reason. Since the earlier Writ Petition was dismissed, this deposit



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petition was also dismissed. The learned counsel for the petitioner also submitted that in the earlier W.P. No.11313 of 2023, he filed a Miscellaneous Petition in which, this Court had granted interim stay and subsequently, the same was vacated. Challenging the vacation of interim stay, he has filed an appeal in W.A.No.2935 of 2023 and the same is pending before the Division Bench. Therefore, this matter may be taken up after the disposal of either the matter pending before the Division Bench or the other Writ Petition in W.P.No.11313 of 2023.

4. The learned Senior Counsel appearing for the 2nd respondent submitted that so far, the petitioner has not been declared as a “Tenant”. Further, he is a owner of some land. A person who is owning a land may not be a Cultivating Tenant. The person who do not have any land at all for his own cultivation alone, is entitled to register as cultivating tenant under the said Act. However, since the connected matter is still pending in W.P.No.11313 of 2023, the present Writ Petition is only for a consequential



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relief and therefore, at this stage, the deposit of rent would not arise at all unless the petitioner is declared as a Cultivating Tenant.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the Writ Petition in W.P.No.11313 of 2023 is pending with regard to declaring the petitioner as a Cultivating Tenant or not and the same is yet to be decided by the competent authority. Unless the same is decided, the deposit of rent would not arise at all.

7. Under the above circumstances, this Court is of the view that this Writ Petition is premature. However, the petitioner is at liberty to file appropriate application in respect of deposit of rent, after the declaration of his rights of “Cultivating Tenant”.

8. With the above observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

15.03.2024

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To
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The Special Deputy Collector,
Revenue Court (Camp Coimbatore),
Tiruchirappalli – 620 001.



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P.VELMURUGAN. J.

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