



W.A. No.2810 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 19.09.2024

DELIVERED ON: 04.10.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and**

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2810 of 2024

A.Shanmugam

.. Appellant/Petitioner

Vs

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

2.R.Srinivasan

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside order passed in W.P. No.3547 of 2024 dated 15.03.2024 passed by the learned Single Judge and allow this Writ Appeal.

For Appellant : Mr.V.Karthikeyan



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W.A. No.2810 of 2024

For Respondents : Mr.A.E.Ravichandran

J U D G M E N T

(Judgment of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

The unsuccessful writ petitioner in W.P. No.3547 of 2024, is the appellant before us.

2. The appellant had filed W.P. No.3547 of 2024 seeking to quash the proceedings in P.No.211 of 2014 dated 22.01.2024 and to remit the matter to the first respondent to re-hear the Rent Deposit Petition.

3. The Writ Court after considering the case of the Writ Petitioner and the respondents, dismissed the Writ Petition holding that the Writ Petition is premature.

4. Aggrieved by the said order of the Writ Court, the Appellant has come up by way of the present Writ Appeal challenging the order of the Writ Court on the following grounds,



(i) the Writ Court failed to see that the first respondent in gross violation of principles of natural justice, without affording an opportunity to the appellant had passed orders;

(ii) the interpretation given by the learned Single Judge has given rise to a situation where a tenant could be absolved from paying rent during the period of occupation;

(iii) the Writ Petition which is pending before this Court has no direct bearing on the issue of deposit of the rents.

5. The learned counsel for the appellant would reiterate the above grounds in his arguments.

6. Per contra, the learned counsel for the second respondent/land lord would submit that the order of the Writ Court does not require any interference and the Writ Petition is premature. He would pray for dismissal of the Writ Appeal.

7. We have carefully considered the rival submissions advanced by



the learned counsel on either side.

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8. Admittedly, W.P. No.11313 of 2023 is pending before this Court.

The question in the said Writ Petition is as to whether the petitioner is a cultivating tenant or not. Therefore, rightly the Writ Court held that the present Writ Petition seeking to deposit of rents is premature.

9. The question of permitting the appellant to deposit rents would arise consequent upon the determination of the question of whether the petitioner is a “*Cultivating Tenant*”, in the first place or not. Therefore, rightly the Writ Court has held that the petitioner is not entitled to any relief at this stage and equally, the Writ Court has protected the rights of the petitioner by giving liberty to file appropriate Application to deposit rents, once he is declared as the “*Cultivating Tenant*”.

10. In fact, Rule 3(i) of the Tamil Nadu Cultivating Tenants Protection Rules, 1955, grants permission only to a cultivating tenant to deposit rents under Section 3(3)(a) of the Act, before the Court or the



W.A. No.2810 of 2024

Revenue Divisional Officer. The cultivating tenant has been defined under Section 2(aa) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, and therefore, in order to claim rights or benefits under the Tamil Nadu Cultivating Tenants Protection Act, 1955, the first and foremost, requirement is to fall within the definition of the cultivating tenant.

11. In fact, it is brought to our notice that the said W.P. No.11313 of 2023 has been disposed of by the Writ Court on 26.03.2024 remitting the matter to the Appellate Authority for fresh decision to be rendered. Therefore, as on date, the suit of the appellant has not yet been decided and only if the appellant is recognised as a “cultivating tenant”, the question of his seeking to deposit of rents would come into play. We therefore see no infirmity in the order passed by the Writ Court and consequently, the Writ Appeal is liable to be dismissed.

12. In fine, Writ Appeal is dismissed. There shall be no order as to costs.



W.A. No.2810 of 2024

(D.K.K.J.) (P.B.B.J.)

04.10.2024

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Internet: Yes/No

Index : Yes/No

Speaking Order/Non Speaking Order
rkp

To

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

D. KRISHNAKUMAR. J.,

and

P.B.BALAJI, J.

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W.A. No.2810 of 2024

Pre-delivery Judgment in
W.A.No.2810 of 2024

04.10.2024