



C.R.P.No.348 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.348 of 2023
and C.M.P.No.2898 of 2023

Ganesan ... Petitioner

-Vs-

C.S.Madhavan ... Respondent

Prayer : Civil Revision Petition under Section 115 of Civil Procedure Code to set aside the order dated 09.09.2022 passed in T.N.R.T.R.R.P.No.6574/2014/J1 passed by the Tiruvarur District Revision Officer / District Revenue Officer, Tiruvarur and enter the petitioner's name as tenant in the record book.

For Petitioner : Mr.P.Thiagarajan
For Respondent : Mr.S.Kalyanaraman

ORDER

This Civil Revision Petition arises against the order passed by the District Revenue Officer, Tiruvarur in T.N.R.T.R.R.P.No.6574/2014/J1 dated 09.09.2022. The said proceedings arose before the revisional authority-cum-District Revenue Officer against the order passed by the Special Deputy Collector and Record of Tenancy Rights Appellate Authority, Tiruvarur in R.T.R.A.No.2/2001/Aa4. The appeal came to be entertained by the appellate authority on account of the fact the



C.R.P.No.348 of 2023

Record Officer-cum-Tahsildar, Gudavasal Taluk, Tiruvarur District registered the civil revision petitioner as cultivating tenant in terms of Tamil Nadu Agricultural Land Record of Tenancy Rights Act of 1969.

2. The case of the petitioner is that he is a cultivating tenant under two brothers, one Madhavan and another Narasimman. He would allege that Madhavan is residing in Salem and Narasimman is a resident of Chennai. He would state that his father Govindasamy was taking care of the land for several years and the petitioner was assisting the said Govindasamy during his life time. The tenancy amount used to be in the form of rice and was handed over to the landowners. He would state that after Govindasamy had passed on, the petitioner took possession of the property as a cultivating tenant in Survey Nos.90, 77, 122/3 and 6/2 situated in Vayalur village, Gudavasal Taluk. He would also allege that his family members/ the legal heirs of Govindasamy viz., his brother, sister and mother were also contributing their physical labour in cultivating the land.

3. The petitioner applied to the Tahsildar in terms of Section 5(2) of the Agricultural Land Record of Tenancy Act, 1969. This application was made in the year 1998. The said application was dismissed on 07.12.1998. The order attained finality. Thereafter, the petitioner filed a fresh application through another Form-V restricting his claim to the extent to 5.83 acres. He would state that insofar as Item No.4 is concerned, it belongs to Narasimman whereas the other three properties



C.R.P.No.348 of 2023

were owned by C.S.Madhavan. This petition was received as R.T.R.No.115/99A4.

After hearing both sides, order was passed on 31.10.2000 recording the petitioner as a cultivating tenant.

4. Aggrieved by this order, an appeal was preferred by Madhavan and Narasimman in R.T.R.A.No.2 of 2001 before the appellate authority-cum-Revenue Divisional Officer, Tiruvarur. The appellate authority, after considering both sides, allowed the appeal and dismissed the petition filed by the civil revision petitioner on 19.12.2001.

5. Against the said order, a revision was preferred before the District Revenue Officer-cum-revisional authority, who allowed the revision on 02.02.2002. The revisional authority allowed the revision and set aside the order passed by the Revenue Divisional Officer, Tiruvarur and restored the order passed by the Tahsildar on 31.10.2000.

6. Challenging the same, the said Madhavan and Narasimman filed a writ petition before this Court in W.P.No.19074 of 2003. After issuing notice to both sides and after a hearing, the writ petition came to be allowed on 20.06.2014. By that order, this Court set aside the order of the revisional authority and remanded the matter to him for fresh disposal in accordance with law after hearing both sides. On restoration of the petition, the revisional authority came to a conclusion that the



C.R.P.No.348 of 2023

order of the appellate authority requires confirmation and accordingly dismissed the T.N.R.T.R.Petition No.6574/2014/J1 dated 09.09.2022. Aggrieved by the said order, the present civil revision petition has come up before me.

7. Heard Mr.P.Thigarajan, learned counsel for the petitioner and Mr.S.Kalyanaraman for the respondent.

8. At the outset, I have to inform myself that the scope of revision under Article 227 as against an order passed by the revisional authority confirming the order of an appellate authority in setting aside the order of the original authority is limited. I cannot re-appreciate the facts unless and until it is shown that the same is perverse. From the argument of either side, the following points emerge.

1. That there is no written lease agreement between the civil revision petitioner and Madhavan or Narasimman.
2. No lease amount was finalized between the aforesaid parties.

9. Apart from that, the revisional authority refers to two letters written by the civil revision petitioner himself on 18.07.1978 and 22.04.1980 seeking for appropriate directions from the respondent as to the manner of cultivation and for rice permits etc.,

10. If a person is cultivating the land in his independent capacity as a tenant,



C.R.P.No.348 of 2023

the question of him seeking for a direction from the land owners would not arise.

During the course of arguments, Mr.P.Thiagarajan would submit that the order of remand passed by this Court in W.P.No.19074 of 2003 had not been complied with by the revisional authority.

11. A perusal of the order dated 20.06.2014 shows that, by consent the order of the revisional authority was set aside and the matter was restored on to his file for fresh disposal in accordance with law after permitting both parties to adduce oral and documentary evidence. A perusal of the impugned order makes it very clear that the said opportunity had been given to both the parties and it was in pursuance thereof he seems to have received the letters dated 18.07.1978 and 22.04.1980, the authorship of which has not been denied by the revision petitioner.

12. A perusal of the order passed by the revisional authority makes it clear that sufficient opportunity was afforded to both sides and only thereafter the impugned order came to be passed. Therefore, I am not in a position to accede to the request of Mr.P.Thiagarajan that the revisional authority did not comply with the order of remand.

13. In terms of the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, a person who claims to be a tenant must satisfy the requirements of Section 2(aa) of the Tamil Nadu Agricultural Tenants Protection Act of 1955. In



C.R.P.No.348 of 2023

order to fall within the scope of Section 2(aa), a person claiming to be a tenant must prove that there is a lease agreement, oral or implied. The condition precedent for recognition of a cultivating tenant is the existence of lease agreement. In the absence of written agreement, it is always open to the tenant to prove that there is an implied lease agreement, under which he has taken possession of the land. In order to convince the authority that he had an implied lease agreement, the fundamental requirement is that he must prove that there was a lease and that the parties had agreed on a lease amount that is payable by the cultivating tenant to the landlord.

14. The finding of the authorities below is very clear that the civil revision petitioner was not clear about the lease amount that he ought to have paid to the landlord. A lease without a lease amount is unknown to agricultural tenancy. It could be in the form of kind, species or in terms of cash. The civil revision petitioner has not been able to convince that any of the three modes were adopted while entering into a lease agreement. In the absence of proof of the lease agreement or lease amount, I am not in a position to agree with the argument of Mr.Thiagarajan that there is an implied lease agreement between the civil revision petitioner and the respondent.

15. On the factual aspects, the revisional authority has referred to the letters dated 08.07.1978 and 22.04.1980 written by the petitioner himself seeking for



C.R.P.No.348 of 2023

directions from the respondent. As already pointed out, if the tenant independently cultivated the land, the question of seeking such assignment would not have arisen.

The learned revisional authority in confirming the order of the appellate authority, has gone into these factual details and has come to a proper conclusion and I am not in a position to convince myself that those factual findings are perverse.

16. In fine, the Civil Revision Petition is dismissed, confirming the order passed by the Tiruvarur District Revision Officer / District Revenue Officer, Tiruvarur in T.N.R.T.R.R.P.No.6574/2014/J1 dated 09.09.2022. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

Tiruvarur District Revision Officer /
District Revenue Officer, Tiruvarur.



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C.R.P.No.348 of 2023

V. LAKSHMINARAYANAN, J.

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C.R.P. No.348 of 2023

16.07.2024