



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.12.2024	Delivered on: 20.12.2024
---------------------------------	---------------------------------

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Review Application (MD) No.80 of 2024

V.Muruganantham

.. Petitioner

Vs.

1.Balasumbramaniam Chettiar (died)
2.Jeyalakshmi

.. Respondents

Prayer:- This Review Application is filed under Order 47 Rule 1 r/w. Section 114 of the Code of Civil Procedure, 1908 to allow the Review Petition and set aside the order passed by this Court in C.R.P. (MD) No. 2086 of 2017, dated 01.12.2023.

For Applicant : Mr.P.T.S.Narendravasan
For Respondents : Mr.Aditya Vijayalan Natarajan

ORDER

This is a Review Application filed by the Revision Petitioner, seeking to review the order dated 01.12.2023 in C.R.P.(MD) No.2086 of 2017.

2. I have heard Mr.P.T.S.Narendravasan, learned counsel for the Petitioner and Mr.Aditya Vijayalan Natarajan, learned ounsel for the Respondent.



WEB COPY

3. The main ground on which the review application has been filed is that subsequent to the death of the Petitioner's father, Vellaichamy Gounder, the Petitioner had been registered as a cultivating tenant by the competent authority. However, the Civil Revision Petition was dismissed holding that the Revision Petitioner had not established that he was entitled to have the rents deposited since he had not been recorded as a cultivating tenant.

4. The learned Counsel for the Petitioner, Mr.PT.S.Narendravan, would invite my attention to the proceedings in R.T.R.No.L3/2000/C3 dated 23.12.2003, in and by which the competent authority has already declared the Petitioner as a cultivating tenant, subsequent to the demise his father, the erstwhile cultivating tenant. He would also contend that thereafter also, the Petitioner was permitted to deposit rents to the tune of Rs.16,500/- on the refusal of the Respondents to receive the rents, in T.C.D.P.No.19/06 on the file of the Rent Court, Madurai and the Respondent also thereafter received it.

5. The learned Counsel for the Petitioner also invited my attention to the adangal extracts for the fasli years 1425, 1426 and 1429 which have been obtained under the Right to Information Act and would fairly



submit that these documents were not filed or relied on in the revision.

WEB COPY

6. The learned Counsel for the Respondents, Mr. Aditya V. Natarajan, would contend that there are no merits in the Review Application and the learned counsel who appeared in the Revision Petition was not able to place reliance on the documents now placed in review and therefore, no grounds have been made out for entertaining the Review Application and consequently, he would seek for dismissal of the Review Application.

7. I have carefully considered the submissions advanced on either side. I have also gone through the records.

8. I had dismissed the revision only on the main ground that the father of the Petitioner alone had been declared as a cultivating tenant and the Petitioner was only a legal heir and has to independently establish his right and get declared as a cultivating tenant. However, now it is brought to my notice that even as early as in 2003, in R.T.R.No.L3/2000/C3 dated 23.12.2003, the Petitioner himself was declared as a cultivating tenant and subsequently, he has also deposited rent as well. The said order has also become final. The Revenue Court has unfortunately lost sight of this admitted position that the Revision



Petitioner was declared and registered as a cultivating tenant already and ought not to have dismissed the petitions filed to deposit rents for a period of 3 years despite the said contention taken by the Petitioner in T.C.D.P.No.2/2010 that the Tahsildar, Dindugal has declared the Petitioner as the cultivating tenant.

9. For all the above reasons, I find merit in the review application and a case has been made out for reviewing the order dated 01.12.2023 in CRP (MD) No.2086 of 2017.

10. In fine, this Review Application is allowed and the order dated 01.12.2023 in CRP (MD) No.2086 of 2017 is set aside and the revision petition stands allowed, setting aside the order of the Revenue Court, Madurai in T.C.T.P.No.2 of 2010 dated 04.04.2017. No costs.

20.12.2024

rkp
Internet : Yes
Index: Yes/No
Neutral Citation: Yes/No

P.B.BALAJI, J.,



WEB COPY



rkp

Pre-delivery order in
Review Application (MD) No.80 of 2024

20.12.2024



WEB COPY



Rev.A. (MD). No.80 of 2024

P.B.BALAJI, J.

Subsequent to the order being pronounced today i.e., 20.12.2024, the learned counsel for the Applicant, Mr.P.T.S.Narendravasan, would request this Court to deposit rents for subsequent periods as well.

2. In view of the findings that the Applicant/Petitioner is a cultivating tenant, there can be no impediment for deposit of rents for subsequent periods as well. The respondent is also at liberty to withdraw the said amount deposited by the Applicant by filing an Application in this regard.

20.12.2024

rkp

Note: Registry is directed to issue a fresh copy of the order after incorporating this direction.