



C.R.P(MD)No.74 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.74 of 2019

SP.Tamilarasi

... Petitioner/Respondent/
Petitioner

Vs.

P.V.Muthu

... Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records of the learned District Revenue Officer, Pudukkottai made in Ni.Mu.5197/2014 (Aa4) and set aside the order, dated 26.06.2018.

For Petitioner : Mr.S.Lakshmi Sankar

For Respondent : Mr.VR.Shanmuganathan

ORDER

The present revision arises out of proceedings before the Revenue Court under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969. The landlord has filed the present revision petition



C.R.P(MD)No.74 of 2019

challenging the order passed by the District Revenue Officer, Pudukkottai on 26.06.2018.

2. The respondent herein claimed that he is the cultivating tenant of one Ilango and had approached the Tahsildar, Thirumayam for recording himself as the cultivating tenant. The Tahsildar has passed an order on 26.06.2000 recording the respondent herein as the cultivating tenant of the said Ilango. The present revision petitioner, namely SP.Tamilarasi has purchased the property from the said Ilango on 22.10.2003 and she came to know about the recording of this tenancy only on a later point of time and therefore, she approached the Revenue Divisional Officer, Tiruchirappalli for setting aside the order of recording of cultivating tenant with a delay of 12 years. The Revenue Divisional Officer was pleased to accept the reasons and he had condoned the delay on 27.08.2012. The said order was challenged by the respondent / tenant before the District Revenue Officer, Pudukkottai. Under the impugned order, dated 26.06.2018, the District Revenue Officer has allowed the appeal and dismissed the condone delay application. Challenging the same, the landlord has filed the present revision petition.



C.R.P(MD)No.74 of 2019

WEB COPY

3. The landlord suspecting the genuineness of the order passed by the Tahsildar on 26.06.2000 had filed W.P(MD)No.6602 of 2024 seeking a direction as against the revenue officials to conduct an enquiry with regard to genuineness of the alleged proceedings of the Tahsildar, dated 26.06.2000. This Court by an order, dated 19.03.2024 has allowed the writ petition with a direction to the Revenue Divisional Officer, Pudukkottai to conduct an enquiry on the complaint lodged by the landlord on 06.11.2023. The enquiry proceedings are still pending before the authorities. In the meantime, the tenant who was arrayed as the 5th respondent in the said writ petition has moved a writ appeal which is pending in the SR stage. In the light of the above said facts, this Court has to consider the merits of the present revision petition.

4. If the landlord accepts that the order of Tahsildar, dated 26.06.2000 as a genuine one, there would be scope for this Court to consider the reasons assigned by the landlord for condoning the delay. However, it is the specific stand of the landlord / revision petitioner that the order of Tahsildar, dated 26.06.2000 itself is a bogus one and in such circumstances, the question of filing an appeal as against the alleged



C.R.P(MD)No.74 of 2019

bogus order would not arise. In such circumstances, when the landlord has chosen to challenge the order of the Tahsildar, dated 26.06.2000 on the ground that it is a bogus order, no further adjudication is called for in the present revision petition.

5. This Civil Revision petition stands closed with liberty to the revision petitioner to reopen the revision petition, in case if he was unsuccessful in the writ proceedings. No costs.

20.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Revenue Officer,
Pudukkottai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.74 of 2019

R.VIJAYAKUMAR ,J.

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Order made in
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