



C.R.P(MD)No.1680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1680 of 2024

and

C.M.P(MD).No.9827 of 2024

R.Mathiyalagan

... Petitioner

Vs.

1.N.Sekar

2.R.Amushu

3.K.Palaniyayee

4.R.Varatharajan

5.C.Raj Nadar

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the order in P-16/2022 on the file of the Revenue Court, Thanjavur dated 18.01.2023 and allow the same.

For Petitioner

: Mr.Haja Mohideen A

ORDER

The civil revision petition is filed against the order passed by the Revenue Court dated 18.01.2023.



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2. The learned counsel for the petitioner would submit that the petitioner is a poor cultivating tenant and in the past few years, since the yield was not proper on account of the vagaries in weather and non-availability of water etc., the rent could not be paid in time. He would submit that at least a breathing time can be given for payment of the rent.

3. I have considered the said submission made by the learned counsel for the petitioner and perused the material records of the case.

4. It can be seen that being the cultivating tenant in respect of Survey No. 86/4, 126/1 and 46/1, totally admeasuring to hectare 1.12.00 ares, the petitioner is not at all paying the rent. The Revenue Court considered that even though rent is due for number of years restricted that the arrears can be directed under the Tamil Nadu Cultivating Tenants Protection Act only for the last three years and therefore, directed the petitioner herein to pay the rental arrears for the fasali 1428, 1429 and 1430 alone, totally amounting to Rs.1,33,860/-. The Revenue Court also further gave 60 days time for payment of the said amount. It can be seen that the amount was not paid even after the 60 days time granted by the Revenue Court. Even the order was passed on 18.01.2023 and the civil revision petition itself is belatedly filed, now, in July-2024. The petitioner has



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not paid even a portion of the amount. Leave alone the arrears, even after the eviction order passed, even the subsequent fasali rent was also not paid.

Therefore, this Court is unable to come to the rescue of such a cultivating tenant, who would brazenly and willfully default even after the order of the Revenue Court. Therefore, I am unable to accept the contentions of the learned counsel for the petitioner, finding no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

29.07.2024

NCC:Yes/No
Index:Yes/No
Rmk

To

1.The Revenue Court, Thanjavur.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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