



C.R.P.(MD)No.1668 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1668 of 2022

and

C.M.P.(MD)No.7330 of 2022

S.Logaratchagan

... Petitioner/Respondent

Vs.

S.Venkidasamy

... Respondent/Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the District Revenue Officer Cum Additional District Administrative Magistrate, Theni in Na.Ka.No.1932/2020/T5/Ni.Seer.1, dated 20.05.2022 and allow the present civil revision petition.

For Petitioner : Mrs.J.Padhmaavathi Devi

For Respondent : Mr.M.Mahamed Ibram Saibu
For Mr.P.Ponnambalam.

* * *

ORDER

Heard both sides.



C.R.P.(MD)No.1668 of 2022

2.The revision petitioner herein filed a petition under the provisions of the Tamil Nadu Agricultural Lands (Record of Tenancy Rights) Act, 1969 before the Tahsildar, Periyakulam. The petitioner's father was originally shown as the respondent. He passed away during the pendency of the proceedings. The petitioner's mother and siblings were brought on record. The Tahsildar, Periyakulam vide order dated 31.03.2000 directed the petitioner's name to be recorded as a cultivating tenant. Questioning the same, the respondent herein filed an appeal before the Sub Collector, Madurai. Vide order dated 03.04.2023, the appeal was dismissed for non-prosecution. The respondent subsequently wanted to have the same to be restored. Thereafter, the respondent herein moved the District Revenue Officer, Theni. Vide order dated 20.05.2022, the District Revenue Officer, Theni set aside the order passed by the Tahsildar, Periyakulam and remanded the matter for fresh disposal. Questioning the same, this civil revision petition has been filed.

3.As the sequence of events would point out, the appeal filed by the respondent suffered dismissal for non-prosecution. Thus, the only the question before the revisional authority was whether to restore the respondent's appeal or not. Instead, the revisional authority went to the extent of setting aside the order passed by the original authority. This in my view was beyond the scope



C.R.P.(MD)No.1668 of 2022

of the revisional proceeding. Be that as it may, the impugned order is also cryptic and non-speaking. The revisional authority has proceeded on the premise that the petitioner herein failed to produce any document in support of his claim that he is a cultivating tenant. This reason does not appear to be correct on the face of record. A mere look at the order passed by the original authority would indicate that the petitioner had marked as many as six documents on his side. The petitioner's counsel would state that when the appeal was filed before the appellate authority, all the original documents had been sent to the appellate authority and it appears to have been lost. I do not want to go into the said aspect for the present. I would only remark that the petitioner appears to have filed some documents before the original authority. In this view of the matter, the revisional authority is not justified in setting aside the order passed by the original authority.

4.However, taking into account the fact that valuable rights of the respondent are involved, even while setting aside the impugned order, I direct the restoration of the appeal. The Revenue Divisional Officer, Periyakulam will take up the respondent's appeal and give a disposal on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



C.R.P.(MD)No.1668 of 2022

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5.This civil revision petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

23.09.2024

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

The District Revenue Officer Cum
Additional District Administrative Magistrate,
Theni.



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C.R.P.(MD)No.1668 of 2022



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C.R.P.(MD)No.1668 of 2022

G.R.SWAMINATHAN, J.

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C.R.P.(MD)No.1668 of 2022

23.09.2024