



W.P.(MD) No.22634 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.22634 of 2024**

1.K.Sekar

2.K.Ramamoorthy

.. Petitioners

Vs.

1.The Tahsildar,  
Tahsildar Office,  
Madurai East Taluk,  
Madurai.

2.Kannan

3.Saravanan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent herein to register the petitioners' names as cultivating tenants in accordance with the Tamil Nadu Cultivating Tenant Protection Act for the land in S.F.No.171/7A, 7B and 7C in Meenakshipuram Bit Village, Madurai East Taluk, Madurai District on basis of the representation, dated 20.08.2024 within the period stipulated by this Court.



WEB COPY



W.P.(MD) No.22634 of 2024

For Petitioners : Mr.R.Manoharan  
For Respondent : Mr.D.S.Nedunchezian  
Government Advocate

### **ORDER**

Seeking an earlier consideration of the petitioners' representation, dated 20.08.2024 requesting to register the petitioners as cultivating tenant under the Tamil Nadu Cultivating Tenant Protection Act, the petitioners are before this Court.

2. The petitioners would submit that their grand father, namely Adaikkan had been cultivating the land which he had taken on lease and which is comprised in Survey No.171/7A, 7B and 7C measuring 0.61.00 ares at Meenakshipuram Bit Village, Madurai East Taluk from one Krishnammal and he had been cultivating it since 1960 along with the petitioners' father Kattaiyan. The lease stipulated that 2/3 of the crop yield had to go to Krishnammal and 1/3 to the petitioners' grand father. After the demise of the grand father, the petitioners' father has taken over it and continued cultivation. Since the cost of necessities for cultivation had increased, the petitioners' father and the said Krishnammal's son had



W.P.(MD) No.22634 of 2024

orally agreed to adjust the yield share as 2/3 for the cultivator and 1/3 for the land owner. As both the petitioners' grand father and father were illiterate, they had not know that the lease should be registered.

3. On 07.07.2005, the petitioners' father had passed away and the 2<sup>nd</sup> petitioner continued cultivation. The said Krishnammal's legal heirs had also recognized the oral agreement of lease and had been receiving the yield as agreed. While so, the petitioner came to learn that the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein who are the sons of Durairaj were attempting to sell the land without informing the petitioners. Immediately, the petitioners had sent a representation to the respondents on 20.08.2024 to register them as cultivating tenants. Since the same has not been considered, the petitioners are before this Court.

4. Heard the learned counsels on either side.

5. Considering the fact that the petitioners and prior to them, their father and grand father have been cultivating the land since 1970 and



W.P.(MD) No.22634 of 2024

have been sharing the produce with the land owner, a mandamus is issued to the 1<sup>st</sup> respondent to consider the representation, dated 20.08.2024 and pass orders within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition stands allowed. No costs.

**24.09.2024**

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

gbg

To

The Tahsildar,  
Tahsildar Office,  
Madurai East Taluk,  
Madurai.



WEB COPY



W.P.(MD) No.22634 of 2024

**P.T.ASHA, J.**

gbg

**W.P.(MD) No.22634 of 2024**

**24.09.2024**