



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

S.A.No.584 of 2023

and

C.M.P.No.18629 of 2023

G.Velmurugan (Died)

1. Dhanalakshmi

2. Arunkumar

3. Rajathi

4. Prashanth

...Appellants/Legal heirs

Vs.

R.Venkatraman

...Respondent/Defendant

PRAYER:- This Second Appeal is filed under Section 100 of Code of Civil Procedure, as against the Judgment and Decree dated 11.11.2019 passed in A.S.No.32 of 2016 on the file of Sub Court, Chidambaram confirming the Judgment and Decree dated 30.03.2016 passed in O.S.No.258 of 2012 before the Additional District Munsif Court, Chidambaram.



For Appellants : Mr.T.Sezhian
For Respondent : Mr.B.Eswaran
For M/s.Swaraj Associates

JUDGMENT

This Second Appeal has been preferred by the Legal heirs of deceased G.Velmurugan/plaintiff against the judgment and decree dated 11.11.2019 passed in A.S.No.32 of 2016 by the Sub Court, Chidambaram.

2. The parties are indicated herein as per their litigative status and ranking before the trial Court.

3. According to the plaintiff, the suit property originally belonged to one Ramanatha Padayachi. He intended to sell the property and the plaintiff herein helped in selling the property to the defendant. The defendant purchased the suit property under the registered sale deed dated 22.08.1990. From the date of purchase, the defendant herein leased out the suit property to the plaintiff for cultivation. The plaintiff used to measure 4 bags of raw rice every year to the defendant since 1990.



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3.1. Taking advantage of oral lease, the defendant has taken steps to sell the property. The defendant promised to sell the suit property to the plaintiff and on the other hand, he is playing dual role. The plaintiff is in possession and enjoyment of the suit property. The plaintiff has filed an application for registering his lease before the Tenancy Tahsildar, Chidambaram in the month of March-2012. The plaintiff has already given Rs.75,000/- towards the cost of the suit property in the presence of village people to the defendant. When the defendant was enquired as to the sale of the suit property, he turned deaf ear. The defendant is residing in Chennai and he is a builder. The defendant should be restrained from alienating the suit property to third parties. The defendant has been making attempt to interfere with his possession. Hence the suit for permanent injunction restraining his men and agents from interfering with the possession till the final disposal of Tenancy Record Proceedings.

4. The owner of the suit property / defendant controverted the plaint details by stating that the plaintiff is not a tenant, much less a cultivating tenant. There is no relationship of landlord and tenant between the plaintiff and the defendant. In order to grab the suit property, the plaintiff has falsely set up plea to the effect that he is the cultivating tenant. The defendant is

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actually tilling the land and he is in lawful possession and enjoyment of the suit property. At the relevant point of time, he raised BBT variety of paddy in the suit property. He has every right to deal with his property. The plaintiff has no *locus standi* to restrain the true owner from selling his property. He did not lease out the property to the plaintiff. The plaintiff received a sum of Rs.75,000/- from the defendant on 17.11.2011 towards his family expenses. Towards interest due and payable to the defendant, the plaintiff agreed to send rice to the defendant by parcel service.

4.1. He is not aware of any proceedings alleged to have been filed by the plaintiff before the Tenancy Record Officer. It is false to state that the plaintiff is in lawful possession of the suit property from 1990 onwards. It is also false to state that the plaintiff has not received any amount, much less Rs.75,000/- from the defendant.

5. Based on the divergent pleadings, the trial Court framed relevant issues. At trial, to substantiate the plaint details, on the plaintiff's side, two witnesses have been examined and nineteen documents were marked. On the plaintiff side, the Village Administrative Officer of Kumaramangalam and Village Assistant of Kumaramangalam have been examined as C.W.1 and C.W.2, through them Exs.C1 and C2 Adangal extracts for fasali year 1423

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were marked. On the defendants side, two witnesses have been examined and four documents were marked.

6. The Trial Court, upon consideration of evidence led in by both sides and after hearing the arguments advanced by either side, dismissed the suit by holding that the plaintiff failed to prove that he is a cultivating tenant of the suit property. Aggrieved, the plaintiff preferred an appeal in A.S.No.32 of 2016 before the Sub Court, Chidambaram.

7. The First Appellate Court, upon consideration of case records and after hearing the arguments advanced by the either side, by relying upon Exs.A1 to A7, A16 and A17, held that the plaintiff has filed application before the Tenancy Tahsildar to decide the status of the plaintiff and dismissed the appeal by confirming the judgment and decree of the trial Court.

8. The fact that the defendant is the owner of the suit property is not in dispute. The plaintiff claims that he is the cultivating tenant of the suit property and he has taken the suit property on oral lease from the defendant. The plaintiff, who is examined as P.W.1, would depose that he has filed an application for registering his lease before the Tenancy Record Officer, Chidambaram in March-2012 and the proceeding is pending before

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the Tenancy Tahsildar in proceedings T.R.B9/B09/12.

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9. According to the plaintiff, since 1990, he has been cultivating the suit property. Only after 22 years, he states that he has taken steps to register his name under the Tenancy Record Officer, Chidambaram in the year 2012. With regard to the said issue, it is relevant to refer to the evidence of C.W.1 and C.W.2, who are the then Village Administrative Officer, Kumaramangalam and Village Assistant, Kumaramangalam. It is the evidence of C.W.1, Village Administrative Officer, Kumaramangalam “வாதி குத்தகை பதிவேட்டில் வட்டாச்சியரிடம் குத்தகைதாரராக பதிவு, செய்யப்பட்டவரா என்றால் கிடையாது.”

10. The same details have been given by C.W.2 witness namely, Village Assistant of Kumaramangalam Village. Though P.W.1 would state that he has paid a sum of Rs.75,000/- to the defendant in connection with the purchase of the suit property, no documentary evidence is filed and marked by the plaintiff. So, the theory of sale by the defendant is also not proved by the plaintiff. The status of the plaintiff as a cultivating tenant is in serious dispute. Such a status has to be decided by the Tenancy Record Officer under Section 6 of Tamil Nadu Cultivating Tenant Protection Act, 6/10



1955. The Civil Court has no jurisdiction to determine the status of the person as to whether he is a cultivating tenant or not. In this case, the status of the plaintiff as a cultivating tenant is the main question. The defendant also strongly contends that he is in possession and enjoyment of the suit property. It is not in dispute that the defendant is the owner of the property. The main issue is the status of the plaintiff as a cultivating tenant and therefore, the suit for bare injunction is not maintainable.

11. It is also relevant to note that the plaintiff has stated that he has filed an application for recording lease under Cultivating Tenant Act in the year 2012 and till the disposal of the said proceeding, he has sought for permanent injunction. TR number is of the year 2012. The suit proceedings was concluded in the year 2016 and the First Appellate Court passed the judgment in the year 2019. Till today, whether the application is allowed or dismissed is not stated by the plaintiff. The defendant/D.W.1 would state that he has not received any notice from the Tenancy Record Officer in respect of Tenancy Proceedings, said to have been initiated by the plaintiff.

12. Ex.A1 to A7, A16 and A17 - Kist receipts cannot be taken into account for concluding one's possession. As per the Revenue Standing Order, the proper authority for issuance of revenue document is Tahsildar.

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Ex.A.13 & Ex.A.15 - Adangal extract issued by Village Administrative Officer are of no help to the plaintiff to improve his case. As mentioned supra, the status of the plaintiff as cultivating tenant is in serious dispute. In such circumstances, the finding as to whether a person is a cultivating tenant or not is within the sole domain of the Tenancy Record Officer and the Civil Court has no jurisdiction in view of the express bar under Section 16(A) of the Tamil Nadu Agricultural Lands record of Tenancy Rules, Act, 1969 (Act 10/1969) and Section 6 of the Tamil Nadu Cultivating Tenant Protection Act, (Act 25/1985).

13. In view of the above said discussions, it is concluded that the plaintiff has utterly failed to prove his case. In such view of the matter, no substantial question of law arises for consideration. This Court does not find any perversity or infirmity in the judgment of the First Appellate Court. This Court also does not find any good reason to upset the finding of the well considered judgment of the First Appellate Court.

14. With these observations and discussions, this Second Appeal stands dismissed. Sequel to this, the judgment dated 11.11.2019 passed in A.S.N.32 of 2016 by the learned Sub Court, Chidambaram stands confirmed. There is no order as to costs. Consequently, connected Civil

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Miscellaneous Petition stands closed.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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Copy to

- 1.The Additional District Munsif Court, Chidambaram.
- 2.The Sub Court, Chidambaram.



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R.KALAIMATHI, J.

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