



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.16723 of 2022
and WMP Nos.16031, 19359 & 26743 of 2022

R.Swaminathan

.... Petitioner

Vs-

1.District Revenue Officer
Thiruvarur Town
Thiruvarur District.

2.Saravanan (deceased)

3.Venba

4.Akshaya

5.Aarthi

.. Respondents

**(R3 to R5 substituted as LR's of deceased
Second respondent)**

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the first respondent relating to the impugned order த.நா.கு.உ.மே.எண். 1738/2018 dated 03.06.2022, quash the same as illegal, arbitrary and devoid of merit.



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For Petitioner : Mr.S.M.Vivekanandh

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
for R1

Mr.M.Thamizhvel for R3 to R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 3.06.2022.

2. The case of the petitioner is that he is the owner of the subject property. He was in possession and enjoyment of the property which was utilised for agricultural purposes. The further case of the petitioner is that taking advantage of his absence from the Village, the 2nd respondent had created certain documents and obtained tenancy rights under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 [hereinafter referred to as 'the Act']. On coming to know of the same, the petitioner filed an appeal under Section 6 of the Act, before the RDO. The RDO through proceedings dated 11.09.2018, reversed the order passed by the Tahsildar. The 2nd respondent aggrieved by the same filed a revision petition before the 1st respondent. The 1st respondent through impugned proceedings dated 03.06.2022 reversed the order passed by the Appellate Authority and restored the order passed by the Tahsildar. Aggrieved by the same, the present writ petition has been filed



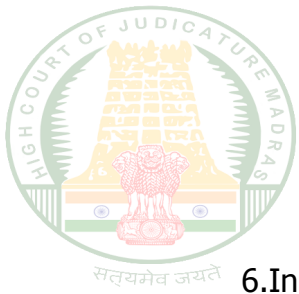
before this Court.

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3.This Court has carefully heard the learned counsel for the petitioner, learned Additional Government Pleader appearing on behalf of the 1st respondent and the learned counsel appearing on behalf of the impleaded respondents 3 to 5.

4.The learned counsel for the petitioner submitted that the 2nd respondent had fabricated documents and obtained the tenancy rights which was rightly reversed by the RDO. However, it was contended that the 1st respondent did not properly appreciate the fact that it is a case of impersonation and fabrication of documents and already a complaint was given in this regard to the police and also an FIR was registered. It was further contended that the 2nd respondent was not in possession of the property and the petitioner continued to be in possession and after the demise of the 2nd respondent, the legal heirs who have been impleaded in the writ petition cannot automatically claim for tenancy rights.

5.Per contra, the learned counsel appearing on behalf of respondents 3 to 5 submitted that the ground that was raised by the petitioner was properly considered by the 1st respondent and it was negatived and the original order passed by the Tahsildar was restored. The learned counsel submitted that after the demise of the 2nd respondent, the respondents 3 to 5 continued to be in possession of the property are doing agricultural activities.



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6. In the considered view of this Court, it is not necessary for this Court to go into the various issues that have been raised by both sides. This is in view of the fact that the 2nd respondent died during the pendency of this writ petition. In order to declare the tenancy right, the concerned person must satisfy the requirement of a tenant as defined under the Act and he should contribute his own physical labour or that of any member of the family in the cultivation of any land belonging to another person under a tenancy agreement which can be expressly implied. The tenancy right given in favour of the 2nd respondent will not automatically enure in favour of the respondents 3 to 5. It requires a determination by the competent authority under the Act. In view of the same, if at all respondents 3 to 5 are claiming for any tenancy right, they should approach the competent authority and establish that they continued to be tenants and are in possession and enjoyment of the property and are cultivating the lands. Only on the order passed by the concerned authority, they can be recognised as tenants in the subject property under the Act.

7. In the light of the above discussion, the order passed by the 1st respondent pales into insignificance. It is left open to the respondents 3 to 5 to approach the competent authority and establish their tenancy right and if any such application is made, the petitioner shall put on notice and only thereafter, appropriate orders shall be passed strictly in accordance with law.



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8.This writ petition is disposed of in the above terms. No costs. Consequently,
connected miscellaneous petitions are closed.

22.04.2025

Index : Yes/No
NCS : Yes/No
KP

To

District Revenue Officer
Thiruvvarur Town
Thiruvvarur District.



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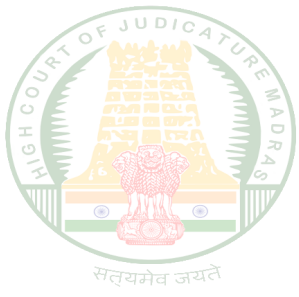


N.ANAND VENKATESH, J.

KP

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