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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23746 of 2025

E.M.Krishnan

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable
Endowments,
Nungambakkam, Chennai.

2.The Join Commissioner
Hindu Religious And Charitable
Endowments,
Zonal Office, Salem District.

3.The District Collector
Dharmapuri District.

4.The Tashildar
Palacode Taluk, Dharmapuri District.

5.The Assistant Commissioner,
Hindu Religious And Charitable
Endowments, Dharmapuri District.



6.The Executive Officer,
Hindu Religious And Charitable
Endowments,
Palacode Taluk, Dharmapuri District.

7.The Inspector
Hindu Religious And Charitable
Endowments, Palacode Taluk,
Dharmapuri District.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 5th respondent in his proceeding Na.Ka.No.1155/2025/Aa1 dated 30.05.2025 and the impugned notice issued by the 7th respondent through his proceedings in Na.Ka.No.130/2025, dated 17.06.2025 and quash the same and consequently direct the respondents to record the tenancy of the petitioner under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 and allow the petitioner to carry out agricultural activities in the lands in survey no.485/1, 485/3 and 508 situated at Jertalav Village, Palacode Taluk, Dharmapuri District.

For Petitioner(s): Mr.Krishnasamy Chinnasamy

For Respondent(s): Mr.K.Karthikeyan
Government Advocate
for R1, R2, R5 to R7
Mr.E.Veda Bagath Singh
Special Government Pleader
for R3 and R4

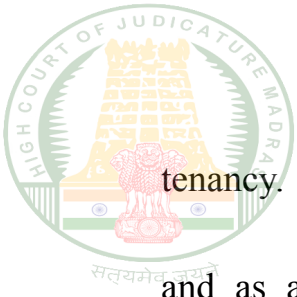
**ORDER**

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This writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 30.05.2025 and the impugned notice issued by the 7th respondent dated 17.06.2025 and for a direction to the respondent to record the tenancy of the petitioner under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 and allow the petitioner to carry out the agricultural activities in the subject property.

2.Heard Mr.Krishnasamy Chinnasamy, learned counsel appearing on behalf of the petitioner, Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of respondents 1, 2, 5 to 7 and Mr.E.Veda Bagath Sing, learned Special Government Pleader appearing on behalf of respondents 3 and 4.

3.It is not necessary for this Court to go into the merits of the case and deal with the claim made by the petitioner to recognise him as a cultivating



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tenancy. The impugned order has been passed by the Assistant Commissioner and as against that order, the petitioner has an efficacious and alternative remedy of filing a revision petition before the Commissioner under Section 21 of the HR & CE Act. It is not as if the order passed by the Assistant Commissioner is in violation of principles of natural justice or that the said authority lacked jurisdiction. The Assistant Commissioner has assigned some reasons and the same can be tested by the petitioner only by exercising his right of revision before the Commissioner. The petitioner cannot directly come before this Court and file a writ petition.

4. In the light of the above discussion, liberty is granted to the petitioner to file a revision petition before the Commissioner of HR & CE, within a period of two weeks from the date of receipt of copy of this order. On filing such revision, it is left open to the petitioner to seek for necessary interim relief before the Commissioner. Till the petitioner files a revision petition within the time frame fixed by this Court, no coercive action shall be taken against the petitioner.



5. The Registry is directed to return the original order to the counsel for the petitioner to enable the petitioner to file a revision before the Commissioner.

6. This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

01-07-2025

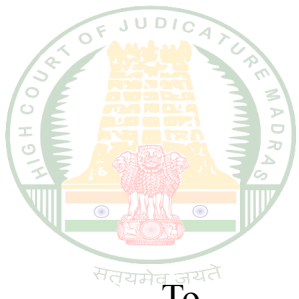
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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N.ANAND VENKATESH J.

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