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CRP NO. 3544 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 3544 of 2025 and CMP No.19141 of 2025

Chinnathurai (Late)

Kulothungan

.... Petitioner

VS

S.M.Swaminathan (Late)

V.Bojahan

... Respondent

Revision filed under Section 115 of the Code of Civil Procedure Code against the order dated 11.07.2025 in Case No.Adanagal OP No.02 of 2016 on the file of the Revenue Court, Karaikal.

For Petitioner : Mr.T.Saikrishnan

For Respondent :Mr.T.S.Baskaran

ORDER

Heard Mr.T.Saikrishnan, learned counsel for the petitioner and M.T.S.Baskaran, learned counsel for the respondent.

2. The petitioner is the power agent of the legal representatives of the



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cultivating tenant who admittedly came before this Court in CRP No.1638 of 2019 and by order dated 17.11.2021 the order of the Revenue Court was set aside and the matter was remitted to the Revenue Court with certain direction.

3. Admittedly, both the landlord as well as the cultivating tenant died subsequent to disposal of the CRP No.1638 of 2019 and a Memo came to be filed by the landlord claiming to be the power agent of the landlord and simultaneously, he relied on a power of attorney executed by the legal representatives of the cultivating tenant appointing the revision petitioner herein as the power agent.

4. Pursuant to the Memo, the Revenue Court, in furtherance of the direction issued by this Court in CRP No.1638 of 2019, proceeded to hold that the petitioner has not established the legal heirs of the original cultivating tenant and not established that they are entitled to be recognised as cultivating tenant and on that premise, the court has proceeded to order eviction.

5. Learned counsel for the petitioner would submit that the Court



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while adjudicating the memo filed by the landlord has only referred to the power of attorney deed executed by the original landlord in favour of the respondent herein and when therefore, the power of attorney cannot subsist after the demise of the landlord, the Revenue court has committed an error in proceeding to order eviction. He therefore states the matter may be remitted for fair opportunity being given to the legal representatives of the cultivating tenant to establish their right to be recognised as cultivating tenants and continue the proceedings.

6. Per contra, learned counsel for the respondent would submit that the respondent is the grandson of the original landlord and the property has already been settled on the respondent even during the life time of the original landlord and it was only the settlement deed which was relied on by the respondent to implead himself in the capacity of the legal representative of the deceased landlord. He further states that there is no error committed by the Revenue Court since the legal representatives of the tenant have not shown any interest to contest the proceedings and admittedly they are not residing in the property and they are also not carrying on any cultivation. He further submitted that in fact, they have only executed a power of attorney.



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7. Be that as it may, from the Memo filed by the petitioner before the Revenue Court, I find that reliance is placed only on the power of attorney executed by the landlord in favour of the respondent herein. There is no reference to the settlement deed. Even in the written submissions filed by the petitioner, a specific contention is raised that the legal representatives of the landlord have not been impleaded and the power of attorney agent cannot continue the proceedings after the demise of the original landlord.

8. Therefore it appears that because of the memo incorrectly filed placing reliance on the power of attorney executed, though copy of the settlement deed was also filed before the Revenue Court, even the Revenue Court has not placed reliance on the settlement deed to recognise the rights of the respondent. Further, the Court has proceeded to order eviction without even giving an opportunity to the legal representatives of the cultivating tenant to establish their entitlement to be recognised as cultivating tenant under the Act.

9. In the light of the above, I am inclined to set aside the order passed by the Revenue Court dated 11.07.2025 in Adangal OP No.02 of 2016 and the matter is remitted to the Revenue Court, Karaikal to decide the matter,



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after giving an opportunity to the legal representatives of the cultivating tenant to establish that they are entitled to be recognised as cultivating tenants, pursuant to the demise of the original cultivating tenant. At the same time, while adjudicating this issue, the Revenue Court shall also comply with the directions issued by this Court in CRP No.1639 of 2019. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

10. With the above direction, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30-10-2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr

To

The Revenue Court, Karaikal.



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P.B.BALAJI,,J

sr

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