



WEB COPY



W.P.Nos.4312 & 4313 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4312 & 4313 of 2002

1.Oanthan

2.Peran

... Petitioners in both W.Ps

Vs.

1.Record Officer (Special Tahsildar)

Record of Tenancy Rights,
Kulithalai.

2.Revenue Court (R.D.O)

Trichy.

3.The District Revenue Officer,

Karur.

4.Periasamy

... Respondents in both W.Ps

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records in Na.Ka.C3/8354/97 and Na.Ka.No.8349/97, dated 30.09.1998, on the file of the third respondent herein and quash the same.

For Petitioners
(in both W.Ps)

For R1 to R3

For R4

: Mr.G.Vasudevan

: Mr.N.Naveen Kumar
Government Advocate

: No appearance



W.P.Nos.4312 & 4313 of 2002

COMMON ORDER

WEB COPY

These Writ Petitions have been filed challenging the order dated 30.09.1998 passed by the third respondent, thereby rejecting the revision filed by the petitioners and confirming the tenancy rights declared in favour of the fourth respondent.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Though the fourth respondent had entered appearance through counsel, none appeared on his behalf before this Court. Perused the materials available on record.

3.Originally, the fourth respondent filed a petition to record himself as a cultivating tenant-sub-lessee before the first respondent in respect of (i) the land comprised in S.F.No.153/1-A to an extent of 1.91 cents, (ii) the land comprised in S.F.No.159/1-A to an extent of 0.24 cents, (iii) the land comprised in S.F.No.159/2-A to an extent of 1.24 cents and (iv) the land comprised in S.F.No.160/1-A to an extent of 1.01 cents. The said lands were owned by one Krishnan and T.V.Nagaraja Rao. Originally, one Ariyan was the tenant in respect of item Nos (ii) and (iv) of the



W.P.Nos.4312 & 4313 of 2002

above said properties. Subsequently, he was evicted by an order dated 23.07.1976. Thereafter, the said properties were sold in favour of the petitioners by a registered sale deed dated 07.08.1991.

4.The case of the fourth respondent was that he was the sub-lessee in respect of all the items of the properties under one Ariyan. In fact, the said Ariyan was a tenant only in respect of item Nos (ii) and (iv) of the properties. Therefore, the request made by the fourth respondent is rightly rejected in respect of item Nos (ii) and (iv). Insofar as item Nos (i) and (iii) are concerned, the said Ariyan was in arrears of rent and it was also recorded by the Revenue Authorities. Therefore, the Revenue Authorities ordered for eviction and the eviction was carried out through the Revenue Inspector, who delivered possession of the item Nos. (ii) and (iv) to the landlords as early as on 23.07.1976. Even then, the fourth respondent attempted to interfere with the peaceful possession and enjoyment of the subject properties.

5.Therefore, the petitioners filed a suit in O.S.No.466 of 1992 on the file of the District Munsif Court, Kulithalai, seeking an injunction against the fourth respondent and the suit was decreed in their favour. The said Judgment and Decree was also confirmed by the Appellate



W.P.Nos.4312 & 4313 of 2002

Court in A.S.No.3 of 1995 on the file of the Sub Court, Kulithalai.

Aggrieved by the same, the fourth respondent preferred a second appeal in S.A.No.201 of 1996 before this Court and subsequently it was dismissed as withdrawn by a Judgment dated 01.12.2020. In the meantime, as against the order passed by the Revenue Authorities relating to item Nos (i) and (iii), the petitioners filed an appeal in A.P.No.4 of 1995. Simultaneously, the fourth respondent also filed an appeal in A.P.No.4 of 1995, insofar as the item Nos.(i) and (iii) were concerned. Without considering the facts and circumstances of the case, the second respondent dismissed the appeal filed by the petitioners and allowed the appeal filed by the fourth respondent. Further, the petitioners are in possession and enjoyment of all the subject properties, i.e., item Nos. (i) to (iv).

6.In view of the above discussions, the order dated 30.09.1998 passed by the third respondent, rejecting the revision petitions filed by the petitioners as well as the consequential order passed by the second respondent allowing the appeal of the fourth respondent and dismissing the appeal of the petitioners are unsustainable and are hereby quashed.



W.P.Nos.4312 & 4313 of 2002

WEB COPY

7. Accordingly, both the writ petitions are allowed. No costs.

06.10.2025

Neutral citation: Yes/No

Index: Yes/No

Lpp

To

1. Record Officer (Special Tahsildar)
Record of Tenancy Rights,
Kulithalai.

2. Revenue Court (R.D.O)
Trichy.

3. The District Revenue Officer,
Karur.



WEB COPY



W.P.Nos.4312 & 4313 of 2002

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.4312 & 4313 of 2002

06.10.2025