



W.P.No.33669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 15.09.2025

CORAM
THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.33669 of 2025
and W.M.P.No.37782 of 2025

Thiru Alangadu Immudi Akora Dharma,
Sivachariyar Ayeera Vaisiyar Madam,
Rep. by its Chairman,
Nerunjipet - 638 311.

... Petitioner

Vs.

1.The Collector,
Erode District,
Erode.

2.The Lease Registration Officer cum
Revenue Tahsildar,
Andhiyur.

3.The Village Administrative Officer,
Aryagounder Village,
Nerinjipettai,
Andhiyur Taluk - 638 311.

4.B.Sudha

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the entire
records of the second respondent in T.R:1961/2025/A3, initiated under



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the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, including the enquiry notice dated 23.06.2025 and quash the same as without jurisdiction and against the provisions of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1955 and consequently forbear the second respondent from continuing with the said proceedings.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents 1 to 3 : Mr.D.Ravichander,
Special Government Pleader

ORDER

This writ petition is filed by the petitioner to call for the entire records of the second respondent in T.R:1961/2025/A3, initiated under the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, including the enquiry notice dated 23.06.2025 and quash the same as without jurisdiction and against the provisions of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1955 and consequently forbear the second respondent from continuing with the said proceedings.

2. Mr.D.Ravichander, learned Special Government Pleader takes notice on behalf of the respondents 1 to 3. By consent of both parties,

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this writ petition is taken up for final disposal at the admission stage itself.

3. Learned counsel for the petitioner would submit that in the present case, the petitioner was registered under the Tamil Nadu Public Trusts (Regulations of Administration of Agricultural Lands) Act, 1955 and the lands owned by the petitioner are given on lease. This being the case, the fourth respondent, claiming to be the legal heirs of the deceased tenant approached the second respondent by filing petitions under the provision of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 to record their names as cultivating tenants in the records of Tenancy Register maintained by the second respondent. In this regard, the second respondent issued a notice dated 23.06.2025, calling upon the petitioner to show cause as to why the fourth respondent should not be recorded as a tenants under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969. Challenging the said notice, the petitioner has come forward with the present writ petition.

4. Learned counsel for the petitioner would submit that in the



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present case, the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955 will not apply for the simple reason that the petitioner is a Trust registered under the Tamil Nadu Public Trusts (Regulations of Administration of Agricultural Lands) Act, 1955. Further, in the previous occasions, when similar issue came up for consideration, the Deputy Collector has fixed the rent. Therefore, if at all any notice being issued, the Deputy Collector is the appropriate officer to issue the same. But in the present case, the second respondent/Revenue Tahsildar issued the notice under Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955, as if the petitioner is not a trust.

5. Learned counsel for the petitioner has also referred the judgment of this Court, in the case of ***Jegannathan Padayachi Vs Arulmigu Swaminathaswamy Devasthanam Swamimalai***, reported in 2003-4-***Law Weekly - 118***, wherein, it was categorically held that if it is a public trust, then the Deputy Collector is the appropriate officer to issue any

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notice and the question of application of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955, would not come into picture in the case of trust. Thus, it is clear that, without non-application of mind, the second respondent issued the enquiry notice. Therefore, he prays for appropriate orders.

6. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that in the present case, he accepts the submission of the petitioner, however the second respondent/Revenue Tahsildar intended to examine the aspect, whether the petitioner falls under the category of Trust Act or; in the event of Trust, whether the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955, would apply.

7. Heard the learned counsel on either side and perused the materials available on record.



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8. This Court fully agrees with the submission of the petitioner that it is a Trust working under Tamil Nadu Public Trusts (Regulations of Administration of Agricultural Lands) Act, 1955. However, it has come to the mind of the second respondent/Revenue Tahsildar, though in a similar situation, the petitioner's issue was decided and rent was fixed by the Deputy Collector, he wants to examine and enter the aspect of the characteristic of the trust of the petitioner. Therefore, the second respondent issued notice under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955.

9. This Court does not find any error in issuance of the notice to enquire into the aspect whether the petitioner is a public trust or otherwise would attract Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955. Even though in the similar issue, the Deputy Collector issued notice and fixed the rent, and that itself will not disentitle the second respondent/Revenue Tahsildar to enquire once again

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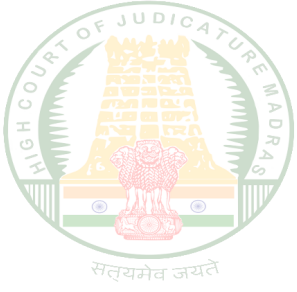


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the characteristic of the petitioner; whether they are public trust or not, based on any new material or information. It is only an enquiry, therefore, this Court does not find any impediments for the petitioner to participate in the enquiry proceeding and explain their case and substantiate that they are a public trust. Once their claims are substantiated, the issuance of enquiry notice will not arise again and again.

10. Since the date of personal hearing afforded to the petitioner has already been expired, the concerned respondent is directed to re-fix the personal hearing after a week from the date of receipt of a copy of the order. The petitioner is granted liberty to produce all the documentary evidence to substantiate their claim, at the time of hearing. In the event the petitioner produces the documentary evidences, the concerned respondent is directed to consider all those documents and pass a speaking order regarding whether the petitioner is a public trust or not; whether the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 read with Tamil Nadu Cultivating Tenants Protection Act, 1955, will apply or not. If apply under what circumstances.



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In the result, this writ petition stands dismissed. No costs.

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Consequently, connected miscellaneous petition is also closed.

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Speaking/Non-speaking order

Index : Yes / No

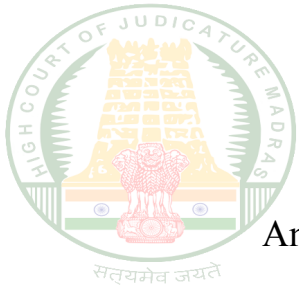
Neutral Citation : Yes / No

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To

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