



C.R..P.(NPD)(MD).No.397 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.397 of 2021

and

C.M.P(MD) No.2158 of 2021

M.Palandi

... Petitioner/Respondent

Vs.

1. T.Krishnamoorthy

... 1st Respondent/Petitioner

2. Udhayakumr

3. Anandhi

... Respondents 2 and 3

(Respondents 2 and 3 are impleaded as per the order of this Court dated 18.12.2024 made in C.M.P(MD) No. 15608 of 2024 in C.R.P(MD) No. 397 of 2021)

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, against the order dated 18.01.2021 made in T.C.T.P.No.31 of 2015 on the file of the Special Deputy Collector, (Revenue Court) Madurai.

For Petitioner : Mr.S.Manohar

For R1 : Mr.M.Karthikeya Venkitachalapathy

For R2 and R3 : Mr.S.Madhavan



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ORDER

The cultivating tenant has filed the revision petition challenging the order passed by the Special Deputy Collector, (Revenue Court) Madurai, dated 18.01.2021.

2. The first respondent herein is the original landlord. He had filed an application before the Revenue Court, Madurai, seeking a direction as against the tenant for payment of rent for three Fasli years, namely, 1419, 1420 and 1421. These Fasli years correspond to 2009 - 2011 of the calendar years. This application was filed on 11.08.2015. The tenant has filed a counter taking a specific stand that the application has been filed beyond a period of 3 years and therefore, it is clearly barred by limitation. However, the Special Deputy Collector, (Revenue Court) Madurai has proceeded to allow the said application and directed the tenant to pay 40 bags of paddy as rent for the above said three Fasli years. Challenging the same, the present Civil Revision Petition has been filed.



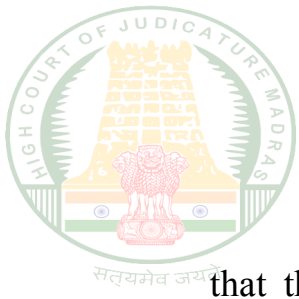
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3. According to the learned counsel appearing for the revision petitioner, for the Fasli years between 2009 and 2011 the application for arrears of rent has been filed on 11.08.2015. He relied upon the judgment of this Court reported in **1989 (1) MLJ Page 78 (M.Palani Gounder Vs.S.P.Thangavel Gounder)**, wherein it is held that the landlord would not be entitled to seek rental arrears for the time barred period.

4. The learned counsel appearing for the first respondent herein had contended that the previous orders passed by the same Revenue Court for the other Fasli years have not been complied with by the tenant. Therefore, the cause of action is continuous. In such circumstances, since the tenant has not complied with, the present impugned order is barred by limitation.

5. Pending revision petition, the property was sold by the first respondent in favour of the respondents 2 and 3. The learned counsel appearing for the respondents 2 and 3 herein contended that the revision petitioner is a Government servant and therefore, he is not eligible to register himself as a cultivating tenant. Therefore, he is not entitled to any one of the benefits under the Cultivating Tenants Protection Act. Hence, he contended



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that the revision petition filed by the revision petitioner relying upon the above said Act should be dismissed.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. A perusal of the application filed by the first respondent/erstwhile landlord seeking rental arrears reveals that the rental arrears for the Fasli years between 1419 and 1421 correlating to the regular calender years between 2009 and 2011 has been filed on 11.08.2015. Therefore, it is clear that the application seeking rental arrears have been filed after a period of three years.

8. In such circumstances, the order of the Revenue Court, Madurai to issue a direction to the tenant to pay the rental arrears beyond a period is barred by limitation is not legally sustainable. As far as the ground raised by the respondents 2 and 3 are concerned, they are at liberty to approach the concerned authority for cancellation of the registration of the revision petitioner as a cultivating tenant, if they are so advised.



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9. With the above said observations, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

14.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Special Deputy Collector,
(Revenue Court) Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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