



W.P(MD)No.15873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**Writ Petition(MD)No.15873 of 2025**

N.Amsaraj

..Petitioner

Vs

1.The Thasildar-cum-record officer,  
Vadipatti Taluk  
Madurai District.

2.The Village Administrative Officer,  
Thirumalnatham Village,  
Vadipatti Taluk,  
Madurai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order in O.Moo.No:A2/3057/2021 dated 17.08.2021 of the 1<sup>st</sup> respondent and quash the same as illegal and consequently directing the respondents herein to issue adangal in the petitioner's name along with his paternal uncles mentioned below for the current pasali year in the capacity of tenant of agricultural land bearing survey No:120/1, 120/2 to an extent of 3 acres 34 cents situated at Thirumalnatham Village, Vadipatti Taluk, Madurai district by modifying the names of the petitioner's paternal uncles (I) Oliyarasu, (ii)Pandiyarajan and (iii)Devendiran on behalf of Late.Veeranan, (iv) Solairaj and (v) Amsaraj on behalf of Late.Nagamuthu and his younger paternal uncle (vi) Muthu vijaya sethu pandiyan in all revenue records.



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For Petitioner : Mr.C.Selvakumar  
For Respondents : Mrs.K.Malathi  
Addl. Govt. Pleader

**ORDER**

This writ petition is filed challenging the communication of the first respondent informing the petitioner that the application filed by the petitioner's father, Oliyarasu, and three others for recording their names as cultivating tenants in respect of the property comprised in S.No.120/1 and 120/2 situated at Thirumalnatham Village cannot be considered due to the pendency of the civil suit.

2. Heard Mr.C.Selvakumar, learned counsel for the petitioner, and Mrs.K.Malathi, learned Additional Government Pleader, who took notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that under the provision of the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, the Record Officer/the first respondent herein is the competent authority to decide the question of whether the applicant is the cultivating tenant or not, and the said question cannot be determined by the civil court. Therefore, the learned counsel would submit that the impugned order passed by the first respondent is liable to be set aside.



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4. The learned Additional Government Pleader, who took notice for the respondents, would submit that one Muthuvijayan filed a suit regarding the subject property against the owner of the property in O.S.No.8 of 2019 on the file of the District Munsif Court, Vadipatti, and hence, the first respondent was justified in sending the communication to the petitioner that the request of his father and three others for recording their names as cultivating tenants could not be considered.

5. Under the provision of the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, the Record Officer appointed under the Act is the competent authority to decide the question whether the applicant is the cultivating tenant or not. In fact, the jurisdiction of the civil court to decide that question has been exclusively ousted under Section 16A of the said Act. This Court already, in **Periyathambi Goundan Vs. District Revenue Officer**, reported in **AIR 1980 MAD 180**, held that the civil court has no jurisdiction to decide the questions, which are to be decided exclusively by the authorities constituted under the Act. Therefore, the first respondent had committed an error in sending the communication that the application submitted by the petitioner's father, Oliarasu, and others for recording their names as the cultivating tenants could not be considered due to the pendency of the civil suit by a third party against the landlord.



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6. Accordingly, the impugned order passed by the first respondent is set aside and the matter is remitted back to the file of the first respondent with a direction to consider the application submitted by the petitioner's father and others on its own merits, after affording an opportunity of hearing to the applicant and as well as the landlord. The writ petitioner is also entitled to move an appropriate application before the first respondent for his impleadment as the legal representatives of the deceased Oliarasu.

7. With the above directions, this writ petition stands allowed. No costs.

**12.06.2025**

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
skn

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**S.SOUNTHAR, J.**

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