



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2421 and 2422 of 2022

and

C.M.P.(MD).No.11713 and 11715 of 2025

C.R.P.(MD).No.2421 of 2022

A.S.Mothhilal (Died)

1.A.M.Maheswari

2.A.M.Karthikeyan

3.A.M.Senthilkumar

4.A.M.Shalini

(1 to 4 are L.Rs of deceased A.S.Mothhilal)

A.S.Ramesh (Died)

5.A.R.Asha

6.A.R.Saranya

7.A.R.Sridivya

(5 to 7 are L.Rs of deceased A.S.Ramesh)

8.A.S.Suresh

9.V.R.Chithra

...Petitioners



Vs.

K.Rajangam

...Respondent

PRAYER: Civil Revision Petition is filed under section 6B of the TN Cultivating Tenants Protection Act, 1955, to set aside the order dated 16.07.2018 passed in I.A. No. 55 of 2017 in T.C.T.P.No 10 of 2002 on the file of the Revenue Court (Special Deputy Collector) Madurai is liable to be set aside and thereby allow this Civil Revision Petition.

For Petitioners : Mr.M.Venkatesan

For Respondent : Mr.D.Senthil

C.R.P.(MD).No.2422 of 2022

A.S.Mothhilal (Died)

1.A.M.Maheswari

2.A.M.Karthikeyan

3.A.M.Senthilkumar

4.A.M.Shalini

(1 to 4 are L.Rs of deceased A.S.Mothhilal)

A.S.Ramesh (Died)

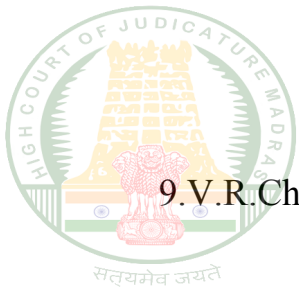
5.A.R.Asha

6.A.R.Saranya

7.A.R.Sridivya

(5 to 7 are L.Rs of deceased A.S.Ramesh)

8.A.S.Suresh



9.V.R.Chithra

C.R.P.(MD)Nos.2421 & 2422 of 2



...Petitioners

Vs.

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K.Rajangam

...Respondent

PRAYER: Civil Revision Petition is filed under section 6B of the TN Cultivating Tenants Protection Act, 1955, to set aside the order dated 16.07.2018 passed in E.P.No.61 of 2007 in T.C.T.P.No 10 of 2002 on the file of the Revenue Court (Special Deputy Collector) Madurai is liable to be set aside and thereby allow this Civil Revision Petition.

For Petitioners : Mr.M.Venkatesan

For Respondent : Mr.D.Senthil

COMMON ORDER

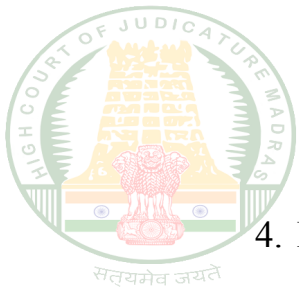
C.R.P.(MD).No.2421 of 2022 has been filed to set aside the order dated 16.07.2018 passed in I.A. No. 55 of 2017 in T.C.T.P.No 10 of 2002 on the file of the Revenue Court (Special Deputy Collector) Madurai.

2. C.R.P.(MD).No.2422 of 2022 has been filed to set aside the order dated 16.07.2018 passed in E.P.No.61 of 2007 in T.C.T.P.No 10 of 2002 on the file of the Revenue Court (Special Deputy Collector) Madurai.



3. The learned counsel for the petitioners would submit that the respondent is a cultivating tenant under the petitioners. Since the respondent failed to pay the lease rent for Fasli Years 1408, 1409 and 1410, i.e., 24 bags of paddy each year (each bag weighing 65 kgs), the petitioners filed T.C.T.P.No. 10 of 2002 under Section 3(2)(aa) read with Section 3(4)(a) of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The Revenue Court, by order dated 07.04.2017, allowed the petition and directed the respondent/tenant to pay 24 bags of paddy per year or its equivalent value within 30 days, failing which, the respondent has to evict from the subject property. Thereafter, the petitioners filed E.P.No.61 of 2007 before the Revenue Court to execute the proceedings.

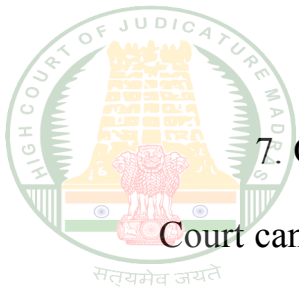
3.(i). Pending execution, the respondent filed I.A.No.55 of 2017 stating that he had received a copy of the eviction order only on 28.09.2017, and thereafter he had taken a demand draft for a sum of Rs.24,500/- for the lease amount for Fasli 1408 to 1410 and sent it to one A.S.Ramesh, which was returned. The petitioners contend that once eviction was ordered, no interlocutory application was maintainable. However, the Revenue Court entertained I.A.No.55 of 2017, directed deposit of the amount for the Fasli 1408 to 1410 into the Court on 16.07.2018, which is wholly impermissible and contrary to the provisions of the Act and also the execution petition filed by the petitioners was dismissed on the very same day.



4. Per contra, the learned counsel for the respondent would submit that under Section 3(4)(b) of the Tamil Nadu Cultivating Tenants Protection Act, the authority has power to permit deposit of arrears. Since the respondent had deposited the arrears, the impugned order is valid and does not call for interference.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

6. The facts are not in dispute. The petitioners, being landlords, filed T.C.T.P.No.10 of 2002 seeking eviction for non-payment of rent for Fasli Years 1408 to 1410. The Revenue Court, after summary trial, passed an order on 07.04.2017 directing the respondent to pay the arrears within 30 days. The 30-day period expired on 07.05.2017. The respondent did not comply within the stipulated time. The proper remedy available to the respondent was to file a revision before this Court under Section 6(b) of the Act. Instead, the respondent filed I.A.No.55 of 2017 in the disposed T.C.T.P., which is not maintainable in law. The Revenue Court has no power to recall its earlier eviction order in such manner, nor can it entertain an interlocutory application after disposal of the main petition.



7. Once an eviction order is passed and has attained finality, the Revenue Court cannot reopen the matter by entertaining an interlocutory application. The respondent, having participated in the proceedings, cannot subsequently claim benefit under Section 3(4)(b) of the Act. The order of the Revenue Court dismissing the T.C.T.P. after having already allowed it, is illegal and without jurisdiction.

8. In view of the above, the orders dated 16.07.2018 passed in E.P.No.61 of 2007 and I.A.No.55 of 2017 in T.C.T.P.No.10 of 2002 on the file of the Revenue Court (Special Deputy Collector), Madurai, are set aside. The Revenue Divisional Officer is directed to proceed with the execution petition and dispose of the same in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

18.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Revenue Court (Special Deputy Collector) Madurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)Nos.2421 & 2422 of 2



M.DHANDAPANI, J.

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