



W.P.(MD) No.18268 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.18268 of 2025

1 Pappa

2 Periyasamy

3 Sivakumar

4 Bose

5 Jayakodi

6 Tamilselvi

...

Petitioners

Vs

1 The District Collector,
Theni,
Theni District.

2 The Tahsildar,
Tahsildar Office,
Bodinayakanur Taluk,
Theni District.

3 Ayyadurai

4 Rashithabegam

5 Nazeer Mohamed

6 Kayarunnisha

...

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent in F.V.Form.No. 01/2025/A4, dated 30.05.2025, and quash the same as illegal.

For Petitioners : Mr.KR.Bharathi Kannan

For Respondents 1 & 2 : Mrs.K.Malathi,
Addl. Govt. Pleader.

For Respondent 3 : Mr.V.Karthik Raja,
for M/s.Ajmal Associates.

ORDER

The Writ Petition is filed, challenging the order passed by the second respondent, recording the third respondent as a cultivating tenant of the land situated in Survey No.230/3A, B.Meenakshipuram Village, Bodinayakanur Taluk, Theni District.

2. Against the order passed by the Record Officer under the provisions of the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, an appeal shall lie before the appellate authority, namely, Presiding Officer of the Revenue Court (Special Deputy Collector). Against the order



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passed by the appellate authority, a further revision will lie before the District Revenue Officer. In view of the availability of various remedies before the heirarchy of authorities under the special enactment, this Court is not inclined to entertain the Writ Petition.

3. Learned counsel for the petitioners submits that a civil suit is pending between the petitioner and the private respondents in O.S.No.182 of 2022 on the file of District Munsif Court, Bodinayakanur.

4. A perusal of the plaint would indicate that the petitioners and 14 others filed a civil suit against the private respondents and the official respondents, seeking recovery of possession of the property. The petitioner also sought for injunction, restraining the Revenue Officer from entertaining any application filed by the private respondents, seeking declaration of their cultivating tenancy rights.

5. A Full Bench of this Court in *Periyathambi Gounder v. District Revenue Officer, Coimbatore*, reported in AIR 1980 MADRAS 180, already held that the status of cultivating tenancy can be decided only by the Record Officer under the special enactment and Civil Court cannot go into the said question. In these circumstances, pendency of civil court proceedings is not a bar for the second respondent to entertain an application filed by a tenant, seeking declaration of his status as a cultivating tenant.



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6. Accordingly, the Writ Petition stands dismissed, with liberty to the petitioner to challenge the impugned order before the appellate authority under the special enactment. If any such appeal is filed, the same shall be decided in accordance with law, without being influenced by anything said in this order. No costs. Consequently, the connected W.M.P.(MD) No.14018 of 2025 is closed.

04.07.2025

(1/2)

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

dixit

To:

- 1 The District Collector,
Theni,
Theni District.
- 2 The Tahsildar,
Tahsildar Office,
Bodinayakanur Taluk,
Theni District.



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S.SOUNTHAR, J.

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