



W.P.(MD)No.2453 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.2453 of 2021

and

W.M.P(MD)No.2041 of 2021

1.Balakrishnan
2.Sundaramurthy

.... Petitioners

/Vs./

1.The District Revenue Officer,
Office of the District Revenue Office,
Thanjavur.

2.The Special Deputy Collector,
District Collector Officer Campus,
Thanjavur.

3.V.Kulimayyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the first respondent in Ni Sir-2/11136/2018 dated 12.10.2018 and quash the same as illegal.



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For Petitioner : Mr.B.Jameel Arasu
M/s.Ajmal Associates
For R1 & R2 : Mrs.K.Malathi
Additional Government Pleader
For R3 : No appearance

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2. The third respondent has been served, however, has not chosen to enter appearance either in person or through counsel.

2.The petitioner challenges the impugned order of the District Revenue Officer setting aside the order passed by the Revenue Divisional Officer remitting the matter to the Tahsildar for fresh consideration.

3. According to the learned counsel for the petitioner, the District Revenue Officer has no jurisdiction to entertain the appeal as against the order passed by the Revenue Divisional Officer. In this connection, he would invite my attention to the relevant provisions of the Tamil Nadu Cultivating Tenants Protection Act, 1955, Section 3 (4)(a) enables every



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landlord seeking to evict a cultivating tenant falling under subsection (2), whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, to make an application to the Revenue Divisional Officer and the Revenue Divisional Officer on receipt of such application shall give reasonable opportunity to both the landlord as well as the cultivating tenant to make their representations and shall hold a summary enquiry and pass an order either allowing the application or dismissing it.

4. In the instant case, the Revenue Divisional Officer has rightly undertaken such an exercise and found that the third respondent was not entitled to an order of eviction and he has to approach the competent Civil Court. Challenging the said order of the Revenue Divisional Officer, the third respondent has moved before the District Revenue Officer namely the first respondent herein. The first respondent thereafter has proceeded to pass orders. However, examining section 6(B) of the Act, it is clear that the Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and any order



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passed by the Revenue Divisional Officer is revisable only by the High Court. Therefore, the first respondent ought not to have entertained the appeal at the instance of the third respondent, clearly lacking jurisdiction to sit on appeal over the order of the Revenue Divisional Officer.

5. In fact, not only has the first respondent overstepped and assumed jurisdiction which did not vest with him, the District Revenue Officer has remitted the matter to Tashildar instead of Revenue Divisional Officer, who passed the original order. Therefore, viewed from any angle, the impuned order has no legs to stand, liable to be set aside. In fine, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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