



W.P.(MD) No.22961 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.22961 of 2025
and
W.M.P(MD)No.18051 of 2025

K.Arasu

: Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court, Madurai.

2.R.Lakshmi

: Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in I.A.No.6 of 2024 in Appeal No.34 of 2024, dated 18.06.2025 passed by the first respondent and pass such further or other orders.

For Petitioner : Mr.I.Saliyakhan,

For Respondents : Mrs.K.Malathi,
Additional Government Pleader, for R1.



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: Mr.M.Venkatesan, for R2.

ORDER

The Writ Petition is filed challenging the order passed by the first respondent directing the parties to maintain Status Quo of the physical features of the subject property pending disposal of the appeal filed by the second respondent under provisions of Tamil Nadu Agricultural Lands Record of Tenancy Rights Act.

2. Heard the arguments of Mr.I.Saliyakhan, learned counsel appearing for the petitioner; Mrs.K.Malathi, learned Additional Government Pleader, who takes notice for the first respondent and Mr.M.Venkatesan, learned counsel appearing for the second respondent.

3. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

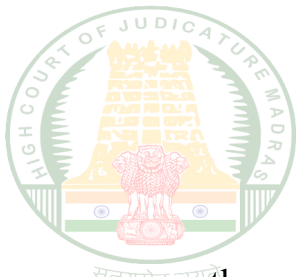


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4. According to the petitioner, the subject property was originally owned by one Syed Sikkandar Ali and the petitioner has been cultivating the subject property under the lease arrangement with the said person. The petitioner filed an application before the Record Officer under the provisions of Tamil Nadu Agricultural Lands Record of Tenancy Rights Act. The said application was allowed and the petitioner was recorded as a cultivating tenant. The legal heirs of the said Syed Sikkandar Ali through their power agent Abdul Bhashit, sold the subject property in favour of the second respondent under registered documents bearing Document Nos.5212/2024 and 5223/2024 on the file of the Sub Registrar, Karupayurani, Madurai.

5. The second respondent, aggrieved by the order passed by the Record Officer, recording the name of the petitioner as a cultivating tenant, filed an appeal before the first respondent. The second respondent also filed an interim application. In the said interim application, the first respondent passed the impugned order restraining the petitioner from altering the physical features of the subject property pending disposal of



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the appeal. Aggrieved by the same, the petitioner has come before this Court.

6. The learned counsel for the petitioner vehemently contended that the Appellate Authority constituted under the provisions of Tamil Nadu Agricultural Lands Record of Tenancy Rights Act is not entitled to grant an order of injunction as if it is a Civil Court therefore, the impugned order is liable to be set aside.

7. The learned counsel appearing for the second respondent submits that the petitioner herein suppressing the death of the original owner of the property Syed Sikkandar Ali filed an application before the Record Officer and got an order in his favour recording his name as cultivating tenant. Aggrieved by the same, the second respondent filed an appeal before the first respondent. Taking into consideration, the said fact, the first respondent passed an order restraining the petitioner herein from altering physical features. He also submits that in the event of this Court coming to the conclusion that the order passed by the first respondent is unsustainable. The same may be kept in abeyance and the



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first respondent may be directed to dispose of the appeal within a time stipulated by this Court.

8.The Authorities constituted under the provisions of Tamil Nadu Agricultural Lands Record of Tenancy Rights Act like Record Officer, appellate Authority or the revisional authority can only decide the question relating to the cultivating tenancy. The Authorities constituted under the said Act cannot assume the role of the civil Court and pass an injunction order restraining the parties from altering the physical features of the subject property. Therefore, the impugned order passed by the first respondent, which is in the nature of injunction, is not sustainable. Only the Civil Court can entertain the such a prayer. Therefore, the impugned order passed by the first respondent is set aside and the first respondent is directed to dispose of the appeal filed by the second respondent within a period of six weeks from the date of receipt of copy of this order, after affording reasonable opportunity to the petitioner and the second respondent. It is always open to the second respondent to move the Civil Court seeking interim protection.



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9. Accordingly, the Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

22.08.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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Note : Issue order copy on **29.08.2025**.

To

1.The Special Deputy Collector,
Revenue Court, Madurai.



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S.SOUNTHAR,J.

das

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and
W.M.P(MD)No.18051 of 2025

Dated: 22.08.2025