



W.P(MD)No. 29694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :23.10.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No. 29694 of 2025

and

W.M.P.(MD) Nos.22969 & 22970 of 2025

Mumtaz Begum

... Petitioner

Vs

1. The Tahsildar / Tenancy Recording Officer,
Melur Taluk,
Madurai District.

2. Rajeswari

3. Palani Swamy

4. Aasai Ponnu

5. Roopavathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the application in TR No.8/2016 pending on the file of first respondent and quash the same.



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For Petitioner : Mr. Charles Kamalesh M. Appaji

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1
Mr.N.Palanisamy for R2 to R5

ORDER

A notice issued to the petitioner in relation to an application filed by the private respondents herein under Section 4(2) of the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, is challenged in this Writ Petition.

2. Learned counsel for the petitioner submits that a civil suit in O.S.No.160 of 2024 has been filed by the private respondents herein and that the application filed under the above mentioned enactment is not maintainable on account thereof. The second contention raised by learned counsel for the petitioner is that the private respondents do not qualify as lessees because they are allegedly growing mango trees on the land. Learned counsel refers to and relies upon the judgment of this Court in *Subramanian Vs. Arulmigu Ranganatha Swamy Temple* reported in 2018 (1) MWN (Civil) 137. On the basis of the said judgment, he contends that



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a person in possession of the land used as 'Thoppu' cannot be called as a cultivating tenant.

3. Learned Special Government Pleader accepts notice for the first respondent and Mr.N.Palanisamy, learned counsel, accepts notice for respondents 2 to 5. Learned counsel for the private respondents points out that the scope of the civil suit is different and that such suit is filed for the relief of injunction.

4. The private respondents herein have invoked Section 4(2) of the Tamil Nadu Agricultural Land Record of Tenancy Rights Act, 1969, so as to record their names as cultivating tenants in respect of the land in survey Nos.484/1B and 485/1A, Kesampatti Village, Melur Taluk. Under the above mentioned enactment, jurisdiction has been vested in the first respondent as the Tenancy Recording Officer to determine whether such application should be allowed. It is needless to say that it is open to the petitioner herein to raise objections so as to persuade the first respondent that the private respondents do not qualify as cultivating tenants. After providing a reasonable opportunity to the rival parties, the first



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respondent is obligated to decide in accordance with law. Such being the position, no case is made out to prevent the first respondent from discharging statutory obligations. Even with regard to the contention that persons cultivating fruit trees do not qualify as cultivating tenants, it is open to the petitioner to raise such contention before the first respondent and for the first respondent to consider the same before passing orders in accordance with law.

5. For reasons set out above, I see no reason to interfere with the notices impugned herein. Therefore, subject to the observations set out above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

23.10.2025

To
1. The Tahsildar / Tenancy Recording Officer,
Melur Taluk,
Madurai District.



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SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

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