

Masilamani Vs. Murugesan

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Court : Chennai

Decided On : Apr-16-2004

Reported in : 2004(4)CTC727

Judge : AR. Ramalingam, J.

Acts : Tamil Nadu Cultivating Tenants' Protection Act, 1955 - Sections 3(4)

Appeal No. : C.R.P. (NPD) No. 948 of 2002

Appellant : Masilamani

Respondent : Murugesan

Advocate for Def. : Sekar, Adv. for Sarvabhauman Associates

Advocate for Pet/Ap. : R. Vasudevan, Adv.

Disposition : Petition allowed

Judgement :

ORDER

AR. Ramalingam, J.

1. This civil revision petition has been filed by one Masilamani in the capacity of cultivating tenant against the order passed by the Revenue Court, Thanjavur in P.No.175, of 1999/Kumbakonam whereby the Revenue Court has come to the

conclusion that the said Masilamani is in arrears of lease amount to the tune of Rs.31,050 relating to faslis 1406 to 1408 and also given time till 10.7.2002 for payment of the said arrears of lease amount failing which eviction proceedings would follow.

2. Aggrieved against such order, the cultivating tenant Masilamani has filed this civil revision petition on the ground that the Revenue Court has not at all conducted enquiry in proper manner by marking documents and examining witnesses and that the Revenue Court has committed error in passing a cyclostyled and stereotyped order by filling up the gaps relating to the period of arrears and the quantum of arrears without application of mind and that the Revenue Court has failed to note that there is title dispute between the land owner Murugesan and his vendor and that the claim is a time barred one and that the Revenue Court has not considered the documents filed by Masilamani such as plaint copy in O.S.No.588 of 1997 and registration copy of the settlement deed dated 12.9.1997 in favour of one Lalitha by the original owner Ponnammal and that the Revenue Court has failed to note about the suit filed by the land owner Murugesan himself for declaration of his title upon that petition mentioned premises in O.S.No.588 of 1997 and thereby the said Murugesan has no right to take eviction proceedings before the Revenue Court and that in all, the Revenue Court has passed a non-speaking Order and thereby it is liable to be set aside.

3. The Revenue Court appears to have passed the Order in P.No.175 of 1999 in a cyclostyled manner without noting or discussing about the actual liability of the cultivating tenant to pay the arrears of lease amount and the actual quantum of arrears and the question of title by considering the documents filed on behalf of the tenant, without application of mind. The impugned Order itself is in a cyclostyled and stereotyped manner by filling up the gaps. Moreover, on careful perusal of the back records of this case. I am able to see that the cultivating tenant Masilamani has raised the question of title by saying and producing documents that the said Murugesan himself has filed a suit against his vendor as if cancellation of sale deed executed in his favour and subsequent execution of settlement deed in favour of her sister Lalitha and those things have not been discussed by the Revenue Court. Likewise, the Revenue Court does not appear to

have recorded any statement or evidence of both the parties and has not given a definite finding that there is arrears of rent as claimed by the said Murugesan. Further, the Revenue Court has not stated any reason as to how he came to the conclusion that the cultivating tenant can be evicted and the reason as to why the Revenue Court has given time for payment of arrears of rent till 10.7.2002 and so on.

4. In this context, it is to be pointed out that this Court has already given a ruling *Srinivasa Thevar v. Thirugnanasambandar*, 1982 TNLJ 168, by giving norms and indicating the way in which the Revenue Court should pass order and about the materials to be taken into consideration before passing such order and particularly held that no Order should be passed in cyclostyled or stereotyped manner. But, the impugned Order in this revision petition is in a cyclostyled and stereotyped manner just against the above said ruling and the principle laid down therein. Accordingly, I am of the view that the Civil Revision Petition is fit to be allowed and the matter has to be remanded to the Revenue Court, Thanjavur for fresh disposal according to law after giving opportunity to either parties to let in oral and documentary evidence if they desire.

5. Therefore, the Civil Revision Petition is allowed and the matter is remanded to the Revenue Court, Thanjavur for fresh disposal according to law in the light of the above observed lines. No costs.