

Nagarajan and ors. Vs. Dr. (Smt.) D. Padmavathy and ors.

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SooperKanoon Citation : sooperkanoon.com/829849

Court : Chennai

Decided On : Aug-28-1998

Reported in : (1999)1MLJ306

Appellant : Nagarajan and ors.

Respondent : Dr. (Smt.) D. Padmavathy and ors.

Judgement :

ORDER

P.D. Dinakaran. J.

1. C.R.P. Nos. 1840 of 1994, 2583 to 2585 of 1994, 3214 of 1994 and 3210 of 1995 are filed by the cultivating tenants, whose rights as cultivating tenants are protected under the provisions of the Tamil Nadu Cultivating Tenants Protection Act, whereas, C.R.P. Nos. 2768 to 2773 of 1995 are filed by the landlady, namely, the respondent in C.R.P. Nos. 1840, 2583 to 2585 and 3214 of 1994 and 3210 of 1995.

2. The only question that arise for my consideration in the above revisions filed by the cultivating tenants, namely, C.R.P. Nos. 1840 of 1994, 2583 to 2585 of 1994, 3214 of 1994 and 3210 of 1995, is whether the orders of the Revenue Court in the respective revision petitions are valid in law due to their composite nature, determining the arrears of rent, granting time in payment of such arrears and passing orders of eviction in default of payment of such arrears within the time so

prescribed in the order.

3. In C.R.P. Nos. 2768 to 2773 of 1995 filed by the respective landlords, the quantum of arrears of rent arrived by the Revenue Court is challenged on the basis of number of crops per year.

4. It is not in dispute that three decisions of this Court, namely,

(i) Chinnayyan v. R. Nagarathinam Pillai : (1964)1MLJ389 ; (ii) Venkatswamy Naicker v. Ramasami Naicker 1977 L W. 553; and (iii) Srinivasa Thevar v. Thirugnanasambandar 1982 T.L.N.J. 168; and.

one decision of the Apex Court reported in Chinnamarkathian alias Muthu Gounder v. Ayyavoo alias Perianna Gounder : [1982]2SCR146 , while interpreting the powers and duties of the Revenue Court under Section 3 (4) (b) of Tamil Nadu Cultivating Tenants Protection Act, taking note of the legislation intention in passing the above welfare legislation, held that, while exercise the power under Section 3 (4) (b), the Revenue Court should avoid the eviction of the cultivating tenants wherever possible, but should not insist upon the eviction for such reason merely for non-payment of the rent in time prescribed in the composite order.

5. In view of the above well settled principle of law on the point, I am obliged to set aside orders of the Revenue Court in the respective revision petitions, namely, C.R.R. Nos. 1840 of 1994, 2583 to 2585 of 1994, 3214 of 1994 and 3210 of 1995, in so far as if relates to the eviction of the cultivating tenants are concerned, and remit the matter to the Revenue Court, who, while disposing of the same, shall certainly take note of the contentions of the landlady raised in Revision Petition Nos. 2768 to 2773 of 1995 relating to the alleged quantum of arrears based on the number of crops raised by the cultivating tenants with regard to the respective lands and pass appropriate orders as permissible in law.

The revisions are ordered accordingly. No costs.