

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
09.04.2026PRONOUNCED ON
30.04.2026

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CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1566 of 2022
and CMP.No.7899 of 2022

Babu @ A.Subramaniam
S/o. Aruchamy, No.3/5, Masanaikan Pudur,
Nallalipalayam Post, Kinathukadavu Taluk,
Coimbatore - 642 001.

..Petitioner(s)

Vs

Ramasamy Chettiyar (Died)

1. R.Balasubramaniam, S/o. Ramasamy
Chettiar, No.6/33, Nallalipalayam Post,
Kinathukadavu Taluk, Coimbatore - 642 001.
Padmavathy (Died), Manoranjitham (Died)
Amudhavalli (Died)

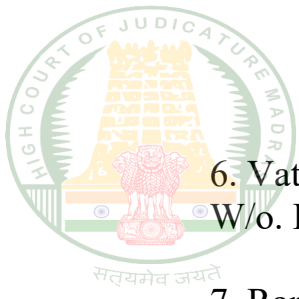
2. Suseela
W/o. Rajamanickam, 15B, LIG Colony,
Mahalingapuram, Pollachi.

Padmavathi (Died)
Manoranjitham (Died)
Amudhavalli (Died)

3. Subramaniam
S/o. Venkatasalam Chettiar

4. Leelavathi
W/o. Mariappan

5. Malleshwaran
S/o. Sundararajan



6. Vatsala Devi
W/o. Duraisamy

7. Ranganathan
S/o. Venkatachalam Chettiar

8. Murali Krishnan R
S/o. Ranganathan

9. R.Arun Narayani
S/o. Ranganathan

S.Rangaswamy Gounder (Died)

10. M.S.Natarajan
S/o. Peria Subbae Gounder

S.Aruchamy @ Mottayan (Died)

11. Rajammal
W/o. S.Aruchamy

12. Chitra @ Nagaratinam
D/o. S.Aruchamy

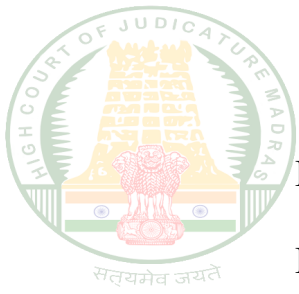
13. Chinnappan @ Anadaraj
S/o. S.Aruchamy

14. Ganesan @ Venkatachalam
S/o. S.Aruchamy

15. Amsha @ Selvi
D/o. S.Aruchamy

..Respondent(s)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 20.01.2022 made in O.P.No.26 of 1996 on the file of The Special Deputy Collector, Revenue Court, Trichy camp at Coimbatore.



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CRP No. 1566 of 2



For Petitioner(s):

Mr.S.Karthikei Balan

For Respondent(s):

Mr. Ullasavelan for RR1 To 9

R10- Died (Steps Due)

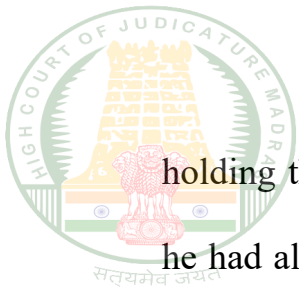
RR11 to 15 – (Served) No appearance

ORDER

The present Revision has been filed challenging the impugned order dated 20.01.2022 made in O.P.No.26 of 1996 on the file of The Special Deputy Collector, Revenue Court, Trichy camp at Coimbatore.

2. Heard Mr.S.Karthikei Balan, learned counsel for the petitioner and Mr. Ullasavelan, learned counsel appearing on behalf of the respondents 1 to 9.

3. Mr.S.Karthikei Balan, learned counsel for the petitioner would submit that the respondents predecessor in interest are the owners of the land which was taken on lease by the petitioner's father and his brothers against whom the petition for eviction under the Tamil Nadu Cultivating Tenants Protection Act was preferred. He would submit that during the pendency of the proceedings, the original lessee namely his paternal uncle and his father who was cultivating the lands along with them had died. Similarly, some of the legal heirs of the deceased original owner had also died and an application was taken out to bring on record the legal heirs and on 20.01.2022, the same was ordered and without issuing any notice to them. The Authority had also passed an order of eviction



holding that the grounds of eviction had been made out. He would submit that he had also attempted to file an application to reopen and recall the order so as to lead in evidence to substantiate his case which also failed. He would submit that when the rents are claimed not to be paid, it is for the Authority to determine the rents payable and give time to the tenant to pay the rent and only on such failure on part of the tenant to pay the rent, an order of eviction could be passed.

4. He would submit that the petitioner had been cultivating the land as the legal heir of his father who was the cultivating tenant under the predecessor in interest under the respondent. He would submit that originally the petitioner before the Authority was given a sum of Rs.1,10,000/- to be adjusted towards the rent and that therefore, there is no arrears of rent as claimed by the landlord. He would further submit that there is no act of waste that has been committed by the cultivating tenant as he had been continuing to cultivate the land from the date of inception of lease and even after the death of the original lessee. He would submit that the Authority also erroneously relied upon a Report of the Revenue Inspector to come to a conclusion that there is no activity of cultivation carried on by the tenants and to support the petitioner contention he had also placed reliance upon the photographs filed along with the typed set. To support his contention that for cases of defaulted rents it is the duty of the



authority to call for the tenant by ascertaining the defaulted rents and grant him time to pay rent and only on such failure to pay the rent, he could be evicted. He

had relied upon the judgment of the Hon'ble Apex Court in the case of ***Chinnamarkathian @ Muthu Gounder and another Vs Ayyavoo @ Periana Gounder and others*** reported in ***1982 (1) SCC 159***.

5. Countering his arguments, Mr.Ullasavelan learned counsel appearing on behalf of the respondents 1 to 9 would submit that the allegations that on the very same day when the impleading petition of the deceased land owner was allowed, the OP was also disposed of without giving an opportunity to the petitioner is only a farce and an attempt to whittle down the proceedings that were concluded after following the due process of law. He would submit that the proceedings were initiated as early as in the year 1996 and for one reason or the other the tenants have been protracting the proceedings denying the respondents their entitlement to get the tenants evicted for not only the default payment of rent and also for the act of waste.

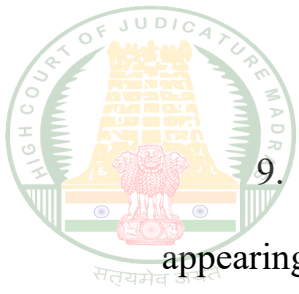
6. He would submit that the paternal uncle of the petitioner had entered into a lease deed, in respect of Survey No.298 to an extent of 9.71 Acres in which a counter statement had been filed by the paternal uncles of the petitioner and his father who was the respondent had not filed any counter. Even though,



they have claimed to have paid a sum of Rs.1,10,000/- to the land owners they have not produced any materials to substantiate the same. He would submit that during the pendency of the proceedings, the paternal uncle Natarajan who was in possession of a portion of the land has handed over the same to the respondents. He would further submit that the petitioner had filed a proof affidavit as early as in the year 2016 and they had been attempting to protract the proceedings.

7. That apart, he would submit that the petitioner did not even attempt to deposit the disputed rent to show the *bonafidies*. He would further submit that the lands had never been cultivated and the attempt to substantiate the cultivation by photographs cannot be accepted by this court as he has not produced any Chitta and Adangal to substantiate that the land had been cultivated time and again from the date of the alleged discontinuous of the cultivation.

8. He had also relied upon the judgment of the learned Single Judge reported in **2023 Supreme Mad 1467** to contend that when there is arrears of rents as stipulated under the Act, then the tenant is liable to be evicted from the lands. Hence, he prays this Court to dismiss the Revision.



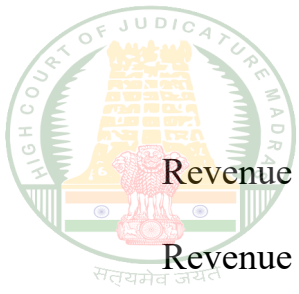
9. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

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10. An order of eviction of the cultivating tenant had been made on two grounds namely, failure to pay the rent and disuse of the property.

11. On the issue of payment of rent on which eviction was ordered accepting the contention of the appellants which he had made relying upon the judgment of the Hon'ble Apex Court and also reading Sub-Section 4 of Section 3, it is imperative that when an Authority had come to a conclusion that there was a default on payment of rent, it ought to have called upon the cultivating tenant to pay the rent within the stipulated time and only on failure on part of the tenant to discharge his liability to pay the rent, an order of eviction could be passed. In the present case, from the perusal of the records, it could be seen that no such order as required under Sub-Section 4(b) of Section 3 had been made by the Authority and hence, eviction order made on that ground would have to be interfered with.

11. The second ground on which the eviction had been passed was on the finding that the property had been put to disuse based upon the Report of the



Revenue Inspector. The impugned order had relied upon the Report of the Revenue Inspector dated 17.10.1997 who had made a spot inspection and had given a Report that the well which was used to irrigate the land had been put to disuse and is covered with garbage.

12. That apart, the electricity connection for the well has also been disconnected and an attempt made by the tenant to restore the electricity connection has also been negated by the Electricity Board which would only draw this Court to a conclusion that no agricultural activities had been carried out in the said land. This Court do not find any perversity, illegality or arbitrariness of the authority in coming to such a conclusion based upon the said Report. To discredit such a finding the petitioner had also not produced any Revenue Records such as Chitta and Adangal to substantiate that there has been a continuous agricultural activities being carried out in the land that was leased except for a photograph which also do not suggest that there are agricultural operations being carried out except the land being ploughed by a tractor.

13. For the aforesaid reasons, this Court do not find any reasons to interfere with the order of eviction that had been granted under Section 3(2)(b) of the Tamil Nadu Tenant Protection Act, 1927.



14. For the aforesaid reasons, the Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

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30.04.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GBA



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CRP No. 1566 of 2



K.KUMARESH BABU, J.

GBA

CRP No. 1566 of 2022

30.04.2026