

(2015) 02 MAD CK 0337

In the Madras High Court

Case No : Crp.PD(MD) No. 1368 of 2002

Kandaswamy Kandar

APPELLANT

Vs

Deivanai Ammal and Others

RESPONDENT

Date of Decision : 05-02-2015

Acts Referred:

Citation : (2015) 2 LW 139

Hon'ble Judges : Pushpa Sathyanarayana, J

Bench : Single Bench

**Advocate : K. Esakki for Uma Ramanathan, for the Appellant;
Anandachandrasekar for Sarvabhavan Associates, Advocates for the Respondent**

Final Decision : Disposed off

Judgement

Pushpa Sathyanarayana, J.

1. This Civil Revision Petition is directed against the order of the Special Deputy Collector (Revenue Court) Trichirappalli, dated 28.05.2002, made in petition No. 78 of 2002. This revision petitioner is the cultivating tenant under the respondents. Aggrieved by the order of the Special Deputy Collector (Revenue Court) Trichirappalli, directing him to pay 50% of the arrears claimed by the landlord on or before 11.06.2002, the present Civil Revision Petition is filed.

2. The only grievance of the petitioner is that the Special Deputy Collector (Revenue Court) Trichirappalli, had not followed the principles laid down under Section 3(4)(b) of the Tamil Nadu Cultivating Tenants Protection Act.

3. A perusal of the said Act contemplates that an opportunity to be given to the respondent by giving them a notice and to file a counter. Therefore, the Revenue Court ought to have waited for the revision petitioner herein, to file his counter and then pass order. Such opportunity has not been given to the revision petitioner which is in violation of the principles of natural justice.

4. In view of the above, the order passed by the Special Deputy Collector

(Revenue Court) Trichirappalli, dated 28.05.2002 set aside and the matter is remitted back to the Special Deputy Collector, Trichy, to consider and dispose of the petition No. 78 of 2002, after affording sufficient opportunity to both parties to adduce evidence, if any, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. With the above direction, this Civil Revision Petition is disposed of. No costs.