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**(1978) 03 MAD CK 0008**

**In the Madras High Court**

**Case No : C.R.P. No. 1618 and 1619 of 1975**

Ramaswamy Udayar

APPELLANT

Vs

Ponniah Pillai and another

RESPONDENT

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**Date of Decision :** 29-03-1978

**Acts Referred:**

**Citation :** (1978) 03 MAD CK 0008

**Hon'ble Judges :** Suryamurthy, J

**Bench :** Single Bench

**Advocate :** V. Natarajan and V. Nicholas, for the Appellant; E. Padmanabhan, for the Respondent

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## **Judgement**

Suryamurthy, J.—These two Civil Revision Petitions have been preferred against the common order passed by the learned Third Additional

Subordinate Judge, Tiruchirapalli, dismissing two applications filed by the revision petitioner, who was the defendant in O. S. No. 793 of 1971 and

O. S. No. 187 of 1973, under S. 3(2) of the Tamil Nadu Act 21 of 1972, for a declaration that the arrears of rent payable by him have been

wiped off by virtue of certain payments made by him and evidenced by the receipts produced by him into court. The learned Subordinate Judge

held that the whole of the rent had not been paid within six months from the date the Act came into force and dismissed the applications. That

question, however, need not be gone into. These two Civil Revision Petitions can be decided on a question of law. The two suits have been filed

by the two landlords not for recovery of rent, but for recovery of damages for misuse of the lands by the tenant. The lands were admittedly granted

on lease to the defendant in the two suits who is the revision petitioner in both these petitions, for cultivating paddy. However, in portions of both

the lands he had raised sugarcane crops without the consent of the land-lords. Therefore, the landlords filed the two suits referred to above for recovery of compensation or damages for misuse. The provisions of S. 3 (2) of the Tamil Nadu Act 21 of 1972 can be invoked only in a suit or proceeding pending on the date of the publication of the Act for the recovery of any arrears of rent, or for the eviction of the cultivating tenant for non-payment of any arrears of rent, and not in any suit or proceeding for recovery of damages for use and occupation or, as in the instant case, damages for misuse. In the circumstances, I am of the opinion that the revision petitioner is not entitled to the benefits of S. 3 (2) of the Tamil Nadu Act 21 of 1972.

2. Therefore, these two Civil Revision Petitions are dismissed with costs.