

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 11.11.2025

Order pronounced on : 09.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4778 of 2023

& CMP.No.28344 of 2023

Satchithanandam (Died)
Shenbagam (Died)

1.Danassou.S
2.Ragou.S
3.Siva.S
4.Baradhi.S
5.Prabu.S
6.Bary.S
7.Thanapathy.S
8.Devi.R
9.Djiva.S

... Petitioners

Vs.

Krishnamurthy (Died)
1.Munibabu Dit Abbaye @ Munibabu
2.Djeabarady
3.Sangarane

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC r/w Section 10 of Puducherry Cultivating Tenants Protection Act, 1970, to set aside the



order dated 29.11.2023 in PCTPA.No.1 of 2001 on the file of the Revenue Court, Puducherry Sub-Division (South), Villianur.

For Petitioners : Ms.Gopika Nambiar

For Respondents : Mr.S.R.Sundar
for Mr.C.Sakthimanikandan for RR1 to 3

ORDER

The unsuccessful cultivating tenant is the revision petitioner, aggrieved by the order passed in PCTPA.No.1 of 2001 by the Revenue Court, Sub-Division (South), Villianur, Puducherry.

2.I have heard Ms.Gopika Nambiar, learned counsel for the petitioners and Mr.S.R.Sundar, for Mr.C.Sakthimanikandan, learned counsel for the respondents.

3.Ms.Gopika Nambiar, learned counsel appearing for the petitioners would submit that the petitioners in the revision, Satchithanandum and the

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1 respondent, Krishnamurthy died pending PCTPA.No.1 of 2001. Inviting my attention to the application filed by the said Satchithanandum, the cultivating tenant in PCTPA.No.7 of 1990, seeking permission to deposit the
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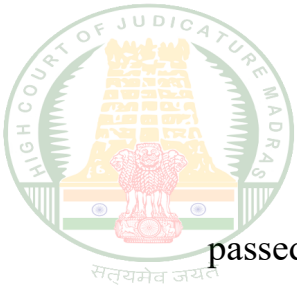


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rent and the order passed in the said proceedings on 16.07.1990, the learned counsel for the petitioners would submit that the payment of arrears of Rs.8,100/- was recorded and on 20.08.1999, a memo was filed, not pressing PCTPA.No.7 of 1990, since the object of the said PCTPA had been fulfilled with the payment of Rs.8,100/-.

4.The learned counsel for the petitioners would further state that despite the tenant filing the memo, not pressing the PCTPA.No.7 of 1990, the Revenue Court, Puducherry, proceeded to pass an order, directing the tenant to deposit Rs.93,418/- towards arrears of rent, with a consequential direction, by way of default clause that if the said payment is not made, PCTPA.No.7 of 1990 would be treated as dismissed. The Revenue Court also directed the parties to approach the authority concerned, for fixing the fair rent.

5.The primordial contention of the learned counsel for the petitioners is that till date there is no order of the competent authority under the Puducherry Cultivating Tenant Payment of Fair Rent Act, 1970, fixing fair rent for the subject property. However, taking advantage of the direction



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passed by the Revenue Court, directing deposit of Rs.93,418/-, the respondent/landlord filed E.P.No.1 of 2000, to execute the order dated 08.09.1999. The same was contested by the tenant, contenting that there was no executable order passed in PCTPA.No.7 of 1990 and ultimately, by order dated 27.06.2001, EP.No.1 of 2000 was dismissed by the Revenue Court.

6.The learned counsel for the petitioner would further contend that the landlord has been trying to evict the cultivating tenant, by hook or crook and having failed in the attempt to mischievously execute an inexecutable order, the landlord attempted to disturb the cultivating tenants' possession which constrained them to file O.S.No.666 of 2001 before the I Additional District Munsif Court, Pondicherry, on 10.10.2001. As a counter blast, according to the learned counsel for the petitioners, the landlord filed an an eviction petition in PCTPA.No.1 of 2001, to evict the tenant on the ground that the tenant had not complied with the order dated 08.09.1999, directing deposit of Rs.93,418/-. According to the learned counsel for the petitioners, even in the said eviction petition, there was no prayer for eviction on the ground of abandonment of cultivation by the cultivating tenant. In the said eviction petition, the tenant filed a counter on 17.10.2002, stating that he was ready



to deposit the entire arrears as on that date which was amounting to Rs.62,046/-.

7.The learned counsel for the petitioners would also invite my attention to the payment of Rs.28,692/-, paid by the tenant and the factum of having filed a miscellaneous petition, seeking extension of time to pay the remaining arrears. She would further contend that the application was never taken up by the Revenue Court for 28 long years and was not even numbered until 2022 and subsequently, it came to be dismissed, along with the order passed in the eviction petition on 29.11.2023 alone.

8.The learned counsel for the petitioners would also invite my attention to yet another miscellaneous petition filed on 26.11.2002, for a direction to the landlord to receive the arrears of Rs.62,046/- and in the event of refusal, to permit the tenant to deposit the same into the Revenue Court. This application, according to the learned counsel for the petitioners, was also kept pending for 28 long years and it came to be disposed of along with the eviction petition on 29.11.2023. Similarly, yet another miscellaneous petition was filed on 21.04.2003 to receive Rs.23,040/-, being the arrears up



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to 2002 and in the event of refusal, to permit the tenant to deposit the same into the Revenue Court was also kept pending for 20 long years and was dismissed, while passing orders in the eviction petition on 29.11.2023.

9.The learned counsel for the petitioners would invite my attention to the decree passed in O.S.No.666 of 2001, granting a permanent injunction in favour of the cultivating tenant and the fact that the said decree became final, there being no appeal preferred by the landlord. She would also invite my attention to the miscellaneous application taken out by the landlord himself in his PCTPA.No.1 of 2001, calling upon the Revenue Court, to decide the legality of the order dated 08.09.1999 in PCTPA.No.7 of 1990.

10.It is the further contention of the learned counsel for the petitioners that even this application was kept pending for 20 years and dismissed only at the time of deciding the eviction petition on 29.11.2023. She would further contend that if the miscellaneous petitions filed by the tenant, pending PCTPA.No.1 of 2001, are taken into account, then the cultivating tenant is not liable to be evicted. In this context, the learned counsel for the petitioner would invite my attention to Section 4(b)(1) of the Puducherry



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Cultivating Tenants Protection Act, 1970, which requires an opportunity to the tenant to deposit the arrears, in terms of Subsection (b)(1) of Section 4 of the Act.

11.The main submission of the learned counsel for the petitioners is that there is no order fixing fair rent payable by the tenant and the order passed by the Rent Court, Puducherry, in PCTPA.No.7 of 1990 dated 08.09.1999 is a nullity, since the said PCTPA.No.7 of 1990 was only filed seeking permission to deposit the rent and pending the same, when the rents had been paid and the tenant also sought for not pressing the PCTPA.No.7 of 1990 itself, the Revenue Court ought not to have unilaterally fixed fair rent and directed payment of deposit of Rs.93,418/-.

12.As regards abandonment of cultivation, the learned counsel for the petitioners would contend that it is not even the case of the landlord that the cultivating tenant had abandoned cultivation and consequently, was liable to be evicted. Taking me through the eviction petition in PCTPA.No.1 of 2001, she would fortify her contentions in this regard. She would therefore state that the court below ought not to have unilaterally gone into the issue of



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abandonment. It was never pleaded in the first place even by the landlord and the Court proceeded to erroneously give a finding based on the reports of the Revenue authorities that the cultivating tenant has not been carrying on agricultural activities in the subject land.

13. In so far as the legal submissions with regard to abandonment of claim of cultivation, the learned counsel for the petitioners would submit that in terms of Section 13(2) of the Puducherry Cultivating Tenants Protection Act, 1970, when the cultivating tenant abandons his tenancy and ceases to cultivate his holding, then the landlord of such tenancy, within 30 days of such abandonment is obligated to inform the Government in writing that the cultivating tenant has abandoned the tenancy and an option is given to the Government under the said provision to take possession of the subject tenancy lands and this provision has also been violated/not complied in the present case. The learned counsel for the petitioners would further submit that the landlord himself was not sure about the validity and enforceability of the order passed on 08.09.1999 in PCTPA.No.7 of 1990 and that is the reason why he filed a miscellaneous petition to decide the legality of the said order.



WEB COPY 14.It is the further contention of the learned counsel for the petitioners

that the very object of the Puducherry Cultivating Tenants Protection Act, unlike other landlord-tenant enactments is that the protection of the cultivating tenant from eviction is one of the laudable objects with which the Act itself came to be promulgated. In such circumstances, she would submit that the Revenue Court ought not to have passed an eviction order in favour of the respondents and the impugned order passed by the Revenue Court is clearly unsustainable in law and consequently liable to be set aside. In order to fortify her contentions, she has relied on the decision of the Hon'ble Supreme Court in *Himalayan Coop. Group Housing Society Vs. Balwan Singh and others*, reported in (2015) 7 SCC 373, *Govindappa Gounder alias Govindasamy (Dead) Vs. K.Vijayakumar and others*, reported in 2025 SCC Online SC 2095 and decisions of this Court in *Alimaummal Vs. Kaliaperumal*, reported in 1995 2 L.W.285 and *Mounibabou Dit Abbaye @ Munibabu Vs. The Deputy Collector, Revenue Complex, South Car Street, Villianur, Puducherry*, in W.P.No.23372 of 2022 dated 06.09.2022.

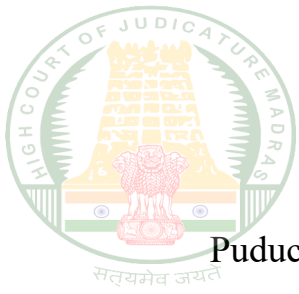
15.Per contra, Mr.S.R.Sundar, learned counsel appearing for the



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respondents would firstly submit that the order dated 08.08.1999 has become final and without challenging the same, the petitioners are not entitled to take a defence that they are not liable to pay the amount of Rs.93,418/-. Secondly, he would submit that the mere fact that the cultivating tenant sought extension of time to pay the rental arrears not once, but by way of two application would by itself establish the default committed by the cultivating tenant. Thirdly, he would submit that the judgment obtained in O.S.No.666 of 2001 was only an ex-parte judgment and it has no bearing on the eviction proceedings filed by the landlords. Fourthly, he would submit that the cultivating tenant himself has admitted that the water in the area was saline and hence, no agricultural activities could be undertaken for the last ten years and the report of the Taluk Tahsildar confirms the same, which has been rightly taken into account by the Revenue Court.

16.These apart, it is also the contention of the learned counsel for the respondents that despite a caveat having been filed, suppressing the caveat, the petitioner had obtained an interim order in the above revision and all possible attempts have been employed by the cultivating tenant to protract the proceedings. He would also state that in terms of Rule 19 of the



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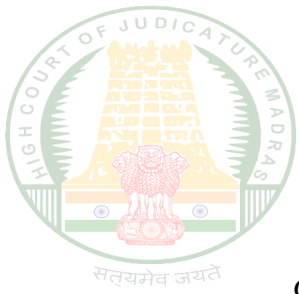
Puducherry Cultivating Tenants Protection Rules, 1971, on 13.12.2023, the land has been identified and possession was handed to the respondents and the petitioners having been dispossessed in a manner known to law, it is not open to the petitioners to prosecute the revision itself.

17. With regard to abandonment, the learned counsel for the respondents would refer to Section 3(2)(c) of the Puducherry Cultivating Tenants Protection Act, 1970, which enables the landlords to evict a tenant if the tenant ceases to cultivate the land. It is the further contention of the learned counsel for the respondents that the petitioners are only legal representatives of the registered cultivating tenant and they are yet to be recognized as cultivating tenants and therefore, without establishing that they have contributed their physical labour, they are not even entitled to be recognized as cultivating tenants under the Act. In support of his contentions, the learned counsel for the respondents also relies on the following decisions:

1.S.N.Sudalaimuthu Chettiar Vs. Palaniyandavan, reported in AIR 1966 SC 469.

2.L.R.Ganapathi Thevar Vs. Sri Navaneethaswaraswami Devasthanam, reported in AIR 1969 SC 764.

3.Chinnamarkathian alias Muthu Gounder Vs. Ayyavoo, reported in 1982 (1) SCC 159.



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4. *Rathinam Vs. Kuppuswami Odayar*, reported in (1981) 94 LW 201.

5. *Subbu Reddiar and another Vs. District Revenue Officer, Tiruchirappalli*, reported in 1991 SCC Online Mad 493.

6. *N.Periasami Vs. Ponnusami Pillai*, reported in 1989 (1) L.W 218.

7. *Rasu and another Vs. The Special Deputy Collector (Revenur Court)*, reported in 1984 (97) LW 36.

8. *Kuppana Chettiar and another Vs. Ramachandran and another*, reported in 1980 (93) LW 656.

9. *T.Selvarajan Vs. S.Muralidharan*, reported in 1983 (96) LW 666.

10. *V.Ramar Tower VS. Sri Kannikaparameshwari Amman Thevaram by Trustee M.Natesan*, reported in 1982 (95) LW 725.

11. *R.Singaravelu Pillai Vs. S.B.Subramanian Kurukkal and another*, reported in (1984) 97 LW 200.

12. *Venkataswami Reddiar and another Vs. Sundaramoorthy*, reported in AIR 1972 Madras 171.

13. *Baluchamy Vs. Thayammal*, reported in AIR 1982 Madras 375.

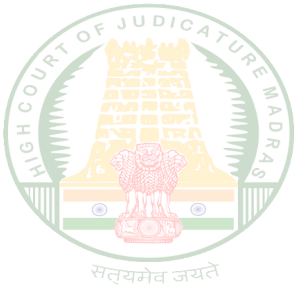
14. *R.Seshier Vs. T.Ayyachi Ambalam*, reported in AIR 1982 Madras 270.

15. *Ramachandiran Vs. Sanjivi*, reported in 2021 (3) Mad LW 771.

16. *Renuka Devi and another Vs. F.Nazma and another*, reported in 2014 SCC Online Mad 246.

17. *Mariyayee Ammal Vs. Janab Mohammed Sheriff*, reported in 1988 (2) LW 417.

18. I have carefully considered the submissions advanced by the learned counsel on either side.



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19.Firstly, with regard to the suppression of caveat and the petitioners obtaining interim orders, it is contended by the learned counsel for the petitioners, Ms.Gopika Nambiar, that the civil revision petition was filed on 11.12.2023 and there was no caveat filed on the said date. The caveat, according to the learned counsel for the petitioners, came to be filed only after the revision was filed and therefore, there is no suppression as alleged by the learned counsel for the respondents.

20.With regard to the dispossession, it is the contention of the learned counsel for the petitioners that when only after the order of eviction has been challenged and pending the revision, possession has been taken, there is no requirement for the petitioners to separately challenge the order of possession pending the CRP.

21.The cultivating tenant filed PCTPA.No.7 of 1990, seeking deposit of rent. Pursuant to an interim order passed in the said PCTPA on 16.07.1990, certifying payment of rent by the cultivating tenant, an interim order came to be passed. Thereafter, the cultivating tenant has filed a memo, not pressing PCTPA.No.7 of 1990. Notwithstanding the said memo, the



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Revenue Court has proceeded to direct the cultivating tenant to pay Rs.93,418/- as arrears of rent within a period of two months, with a further direction to the parties to approach the competent authority for fixation of fair rent for future period. Admittedly, the said amount of Rs.93,418/- has not been paid and E.P.No.1 of 2000 filed by the landlord admittedly came to be dismissed.

22.In fact, even the order passed on 08.09.1999, directing the tenant to deposit the arrears of fair rent of Rs.93,418/- only indicated that in the event of default on such payment, PCTPA.No.7 of 1990 would be dismissed. The Revenue Court failed to see that the cultivating tenant himself sought for withdrawal of the said PCTPA since the rents sought to be deposited under the said PCTPA had already been paid and nothing survived for consideration. Therefore, the default clause in the order dated 08.09.1999, directing that if the payment of Rs.93,418/- is not paid, PCTPA.No.7 of 1990 would be treated as dismissed was actually of no consequence and no rights can flow to the landlord on account of such a default clause, directing dismissal of PCTPA.No.7 of 1990, which were filed only seeking permission to deposit rents and nothing more.



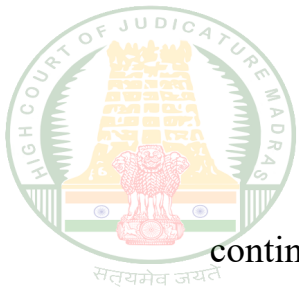
WEB COPY 23. The respondents, no doubt, have taken advantage of the fact that the direction issued on 08.09.1999 to pay Rs.93,418/- has not been complied with by the tenant and filed PCTPA.No.1 of 2001. As already discussed, the tenant sought time to make payment of arrears by taking out two miscellaneous petitions, expressing readiness to pay the amounts. On the side of the landlord, curiously, miscellaneous petition was filed in his own eviction petition, doubting the order passed on 08.09.1999, with a prayer to decide the legality of the said order dated 08.09.1999. Unfortunately, the Revenue Court has not taken up any of the miscellaneous petitions for 28 years and 20 years respectively. The very conduct of the landlord in entertaining doubts about the order dated 08.09.1999, sufficiently raises a legitimate concern about the executability of the said order, which was passed in a PCTPA filed by the tenant to deposit rents.

24. The objects with which the Act came to be brought into force was to create and introduce measures conducive and favourable to the cultivating tenants in order to increase agricultural economy and promote high level of



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efficiency in productivity and with an object to achieve such purposes, it was found necessary to provide safeguards to cultivating tenants with regard to fixation of fair rent. In this regard, the relevant provisions of the Puducherry Cultivating Tenants Protection Act, 1970, have to be examined. Section 4 of the Puducherry Cultivating Tenants Payment of Fair Rent Act, 1970, mandates every cultivating tenant with effect from the commencement of the Act, to be bound to pay to the land owner, fair rent payable under the Act, notwithstanding any neglect or failure on the part of the cultivating tenant to raise any crop. Under Section 4(7) of the Act, no landlord can claim or stipulate payment of any amount in excess of fair rent to be determined under the Act. Section 5 of the Act determines what is fair rent payable. Section 5(3) of the Act makes it clear that if the contract of tenancy provides for payment of a rent lower than the fair rent payable under the provisions, then the contract rent shall be deemed to be the fair rent. Section 6(1) of the Act entitles the tenant to pay the fair rent either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract. The remission of proportionate part of fair rent is also permissible when there are adverse seasonal conditions, resulting in reduction of the gross produce. In terms of Section 7 of the Act, a fair rent determined under the Act shall



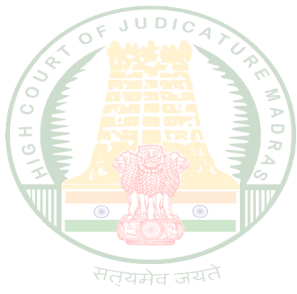
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continue to be in force for five years and it is open to the cultivating tenant to approach the Rent Court and seek for reduction, if he is able to show that the land has been wholly or partially rendered unfit for cultivation. The Rent Courts and Tribunals have been constituted under Section 9 of the Act.

25. It is thus seen from the objects of the Act, which have been discussed herein above and the relevant provisions that there is a separate procedure set out under Act 5 of 1971 for fixation of fair rent. In total contrast to the provisions of the said enactment, the Revenue Court, in and by the order 08.09.1999, ordered as follows:

“In the open Court it was decided on hearing the arguments of both the counsels that the statement of arrears of rent filed by the respondent and the equivalent market value of the rent filed by this court whichever is less will be filed is as arrears of rent to be paid by the petitioner/tenant. Both the petitioner and respondent also agreed to this.

The number of bags of arrears of paddy given by the Deputy Tahsildar, Villianur Sub-Taluk from the year 1987-88 to 1996-97 is 263 bags. The arrears of paddy to be paid by the petitioner is samba bogam, the average of market price for the year 1997-98 for the fine variety furnished by the Directors of Economics and Statistics was taken as the equivalent market price of the paddy to be paid by the petitioner and that is Rs.386/- per bag. Therefore, for 263 bags of paddy at the rate of Rs.386/- per bag amounts to Rs.1,01,518/-. This is the arrears of rent, that the petitioner has to pay from the year 1987-88 and 1996-97 as per the rent fixed by this court based on the report furnished by the



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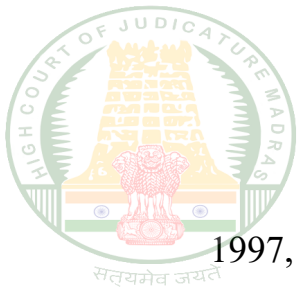


Deputy Tahsildar, Villianur Sub-Taluk and the Directorate of Economics and Statistics, Pondicherry. The arrears of rent the petitioner has to pay as per the demand by the respondent from the year 1987-88 to 1996-97 is Rs.1,46,400/-. Hence, the arrears fixed by this court is lesser than the arrears demanded by the respondent in its statement of arrears to be paid by the petitioner, the petitioner has to pay the sum of Rs.1,01,518/- as arrears of rent.

As the petitioner had already paid a sum of Rs.8,100/- to the respondent through his counsel and a order for that account was also passed on 16.7.90, that amount should be deducted from the amount to be paid by the petitioner to the respondent. Hence, the arrears of rent to be paid by the petitioner is Rs.1,01,518/- minus Rs.8,100/- equal to Rs.93,418/-.

Therefore it is ordered that the petitioner should pay a some of Rs.93,418/- as arrears for the period 1987-88 to 1996-97 within two months from the date of this order either directly to the respondent or to deposit in the court deposit. If the petitioner not complied this order the petition will be treated as dismissed. Both the petitioner and respondent are advised to approach the concerned authority for fixation of fair rent for the future. Also in future the petitioner is directed to pay the rent directly to the respondent and get the receipt for the payment.”

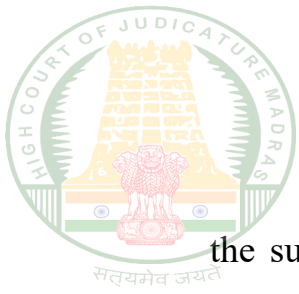
26. With regard to the representation of the learned counsel for the tenant, the learned counsel for the petitioners would submit that the counsel could not have given any concession against law and the Court ought not to have proceeded based on such invalid concession of the counsel to determine an amount of Rs.93,418/- to be payable from 1987-1988 to 1996-



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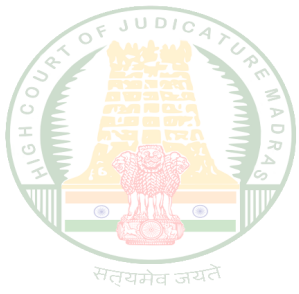
1997, which is in total contrast to the contract between the parties. It is the specific contention of the petitioners that in an application seeking deposit of rents by the tenant, the Court ought not to have ventured to extraneously consider factors like bags of paddy in arrears, average market price furnished by the Revenue authorities and Director of Economics and Statistics respectively, to unilaterally arrive at a figure of Rs.93,418/- as alleged arrears, against the provisions enacted for fixation of fair rent. I find force in the submissions of the learned counsel for the petitioners in this regard.

27. In fact, the Hon'ble Supreme Court, in *Himalayan Coop. Group Housing Society's case*, cited supra, held that a lawyer has no implied or apparent authority to make an admission of statement which would directly surrender or conclude the substantial legal step in accomplishing the purpose for which the lawyer was employed. It has been held that neither the client nor the Court would be bound by the lawyer's statements or admissions as to matters of law or legal conclusions and that the lawyer can make decisions only with regard to tactics without consulting the client, but a client has a right to make the decision when it affects its rights. Therefore, straight away



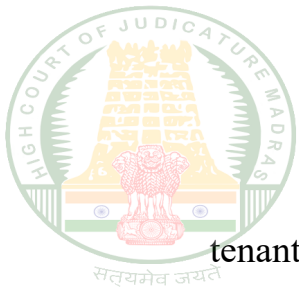
the submission of the counsel for the tenant, agreeing to the arrears to be determined, that too, not in line with the contract, but in variance to the same, can certainly not bind the cultivating tenant in the first place.

28.No doubt, the said order has not been challenged by the cultivating tenant. However, Section 3(4)(b) of the Puducherry Cultivating Tenants Protection Act, 1970, mandates the Revenue Court in an application for eviction of the cultivating tenant filed by the landlord to give reasonable opportunity to the landlord and the cultivating tenant to make their representations and after holding a summary enquiry, pass an order either allowing the application or dismissing it and when the case falls under either clauses (a) or (b) of Subsection (2) of the Act and the tenant has not availed of the provisions under Subsection (3) of the Act, seeking to deposit the rent in Court, then the Revenue Court has the discretion to allow the cultivating tenant such reasonable time, as considered just, directing the cultivating tenant to deposit the arrears of rent, inclusive of costs and only when the cultivating tenant fails to deposit the same, despite direction of the Revenue Court under Subsection (3)(b) of the Act, the Revenue Court can proceed to pass an order of eviction.



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itself was enacted in order to protect cultivating tenants from eviction and also Sections 3(b)(1) and (2) in the light of the objects of the Act, the Revenue Court should have deemed it proper and necessary to have directed the tenant to deposit the rents upfront before passing an order of eviction. The said exercise has not been undertaken by the Revenue Court. Firstly, the Revenue Court ought to have seen that the very direction to pay Rs.93,418/- was based on a concession given by the counsel, without the tenant's consent. The amount arrived at is also not in line with the contract between the parties. Moreover, the object with which PCTPA.No.7 of 1990 was filed only to deposit certain amount of rent and the purpose having been served by payment of a larger sum of money, the tenant filed a memo seeking to not press the PCTPA.No.7 of 1990 itself. In such circumstances, the Revenue Court clearly fell in error in proceeding to hear the counsel and issue directions for payment of an amount arbitrarily fixed and not in line with the provisions of the Puducherry Cultivating Tenant Payment of Fair Rent Act, 1970. Therefore, at least, in the eviction petition, considering all these, the Revenue Court ought to have considered granting time to the cultivating



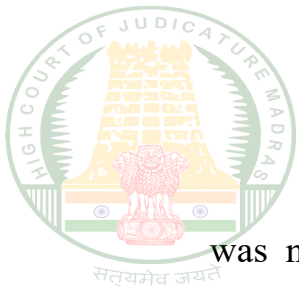
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tenant to pay the arrears. The petitioners have at least shown bonafides by taking out miscellaneous petitions seeking permission to deposit the arrears.

No orders were passed on the said applications as well and they came to be dismissed only along with the main eviction petition.

30.Further, interestingly, the landlord himself did not have confidence to proceed with the eviction petition since he entertained a doubt with regard to the validity of the order dated 08.09.1999, directing deposit of Rs.93,418/-. That is the reason why he filed an application to decide the legality of the said order. At least, the Revenue Court should have taken up the said application and passed orders on merits. Without doing so, the Revenue Court has straight away closed all those applications while ordering eviction in PCTPA.No.1 of 2001. The Revenue Court has not followed the mandate of the various provisions of the Puducherry Cultivating Tenants Protection Act, 1970 and Puducherry Cultivating Tenants Payment of Fair Rent Act, 1970.

31.With regard to the abandonment of cultivation, firstly, I find that it



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was not the case of the landlord himself that the tenant had abandoned cultivation and there is no pleading in the eviction petition. However, strangely, the Revenue Court appears to have entertained an argument of the landlord that the tenants have not cultivated the land for more than 10 years and acting on the same, the Court has called for a report from the Village Administrative Officer, Odiampet and came to a finding that the lands were cultivated prior to 15 years back and thereafter, it has become barren land with thorny bushes. Relying on the said report and on finding that the tenant had appeared on 08.11.2022 before the authority and submitted that the water in that area is saline and therefore, he could not do agricultural activities for the past 10 years was also taken into account and the Revenue Court proceeded to hold that the cultivating tenant has abandoned cultivation and therefore, held that even on that ground, the petitioners are liable to be evicted.

32.It is seen that the Tahsildar, Taluk Office, Villianur, in No.6812/TOV/A3/SDM(S)/Court/2022 dated 08.11.2022, has submitted a communication to the Presiding Officer cum Deputy Collector, Revenue (South), Villianur, Puducherry, that a field enquiry has been conducted and

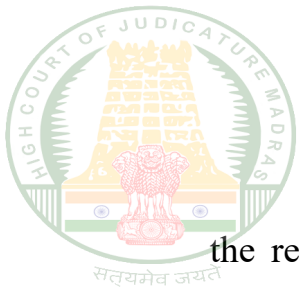


the lands have remained vacant and not cultivated for more than ten years.

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When the report itself came to the filed only on 08.11.2022, I am unable to countenance the order passed on the very same day i.e 08.11.2022, recording that the respondent submits that the water in the area is saline and could not do agricultural activities for the past ten years. I do not find any such statement made by the respondent and the report dated 08.11.2022, which has been received by the Revenue Court on the same day, has probably been referred to as if the respondents have admitted to abandonment. Therefore, I am unable to countenance the submissions of Mr.S.R.Sundar that in view of the admission of the cultivating tenant that there has been abandonment, there was no error committed by the Revenue Court in ordering eviction on this ground as well.

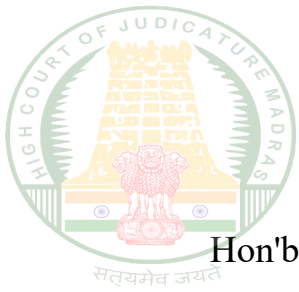
33.Coming to the entitlement of the petitioners to continue and claim the benefits of being cultivating tenants in the absence of their name being registered as cultivating tenant firstly, it is noticed that the landlord himself, post demise of the registered cultivating tenant, has impleaded the legal representatives, who are the petitioners herein. Further, even from the Tahsildar's report dated 08.11.2022, it is seen that there is a statement that



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the registered cultivating tenant, Satchithanandum and his son, Siva were cultivating lands 15 years back. Therefore, it does not lie in the mouth of the respondents to contend that the petitioners are not entitled to the benefits of the provisions of the Act, as they have not established to have contributed physical labour to claim themselves to be the cultivating tenants.

34.The Hon'ble Supreme Court, in *Govindappa Gounder alias Govindasamy's case*, cited supra, held that enactments like the Cultivating Tenants Protection Act are meant really for the purposes proclaimed in the said enactments and the statutory provisions cannot be taken away or whittled down by forensic sophistry and Courts should not allow themselves to become tools for defeating expressed statutory intentions. Relying on the decision of the Hon'ble Supreme Court in *G.Ponniah Thevar Vs. Nalleyam Perumal Pillai, (1977) 1 SCC 500*), the Hon'ble Supreme Court held that beneficent construction involves giving the widest meaning possible to the statutes. When there are two or more possible ways of interpreting a section or a word, the meaning which gives relief and protects the benefits which are purported to be given by the legislation, should be chosen, as the legislation is a beneficial statute to protect cultivating tenants from unjust eviction. The



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Hon'ble Supreme Court further held that it is a cardinal principle of law that in cases of doubt, such Acts should be interpreted to lean in favour of tenants.

35.The doubt in the present case has been expressed even by the landlord himself by moving a miscellaneous petition in his eviction petition, seeking to clarify the legality of the order dated 08.09.1999. Therefore, the Revenue Court clearly fell in error in proceeding to order eviction, without noticing any of these relevant circumstances and also not keeping in mind the laudable objections of the legislation itself.

36.In *Alimaummal's case*, cited supra, this Court held the Revenue Court cannot fix fair rent and such an order fixing fair rent was exceeding jurisdiction of the Revenue Court.

37.With regard to the status of the petitioners to claim themselves to be cultivating tenants, reliance has been placed on in *S.N.Sudalaimuthu Chettiar's case*, *L.R.Ganapathi Thevar's case*, *Subbu Reddiar's case*, *Venkataswami Reddiar's case* and *Renuka Devi's case*, cited supra. However,



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in view of the discussion made herein above and the Tahsildar's report, which is relied on even by the landlord, confirming that one of the sons was doing cultivation along with his father, I do not see how these decisions and the ratio laid down therein would apply to the facts of the present case.

38. With regard to abandonment, the decisions in *Rathinam's case* and *Ramachandiran's case*, cited supra, have been relied on. The learned learned counsel for both parties have produced photographs. In the photographs produced by the learned counsel for the petitioners, it is seen that the lands are under cultivation. However, in the photographs produced by the respondents, there is no cultivation and the lands are dry and barren. In view of the extreme stands taken by both the parties, there is no purpose in placing reliance on the photographs relied on by the counsel for the parties. However, the absence of even a plea regarding abandonment and improper reliance on the report of the Tahsildar and erroneously treating the report, as if it was an admission of the respondent, clearly affect the validity of the findings of the Revenue Court that there has been abandonment of cultivation. Therefore, in the absence of pleading, the Revenue Court should not have permitted or entertained any evidence and base the decision on the

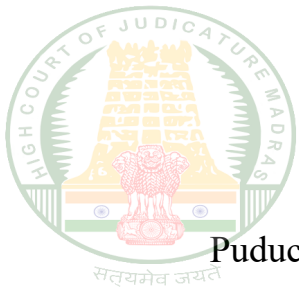


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evidence, which was never backed by pleadings. In the light of the above, these decisions are also not applicable to the facts of the present case.

39.As regards, the decisions in *Chinnamarkathian alias Muthu Gounder's case*, *Kuppana Chettiar's case*, *V.Ramar Thevar's case*, *R.Singaravelu Pillai's case*, and *Baluchamy's case*, cited supra, the facts of all these cases were entirely on different footings. There were valid preliminary orders passed, directing payment of arrears, subsequent to which, the eviction orders came to be passed and only in such circumstances, it was held that the eviction orders could not be interfered with in revision. However, I have already discussed the validity of the direction issued on 08.09.1999, fixing an arbitrary sum of Rs.93,418/-, which was clearly without jurisdiction of the Revenue Court. Therefore, these decisions can be easily distinguished on the facts of the present case. In view of the foregoing discussion, I am inclined to set aside the order of eviction passed by the Revenue Court.

40.In fine, the Civil Revision Petition is allowed. The order dated 29.11.2023 in PCTPA.No.1 of 2001 on the file of the Revenue Court,



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Puducherry Sub-Division (South), Villianur, is set aside. The petitioners shall deposit the entire arrears of rent payable as on date, in terms of the contract between the parties, within a period of eight weeks from the date of receipt of a copy of this order and subject to such compliance, the petitioners' possession shall be restored, within a period of one week from the date of deposit of the arrears of rent within the time stipulated herein above. It is needless to state that the respondents are at liberty to initiate fresh proceedings for evicting the petitioners, on available grounds, in accordance with law. No costs. Connected Civil Miscellaneous Petition is closed.

09.01.2026

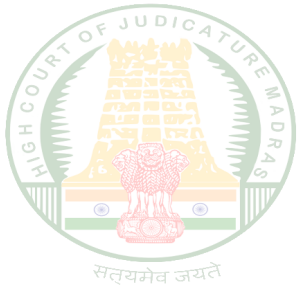
Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

The Revenue Court, Puducherry Sub-Division (South), Villianur.

P.B. BALAJI,J.

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& CMP.No.28344 of 2023

09.01.2026