[2025] 9 S.C.R. 1229 : 2025 INSC 1134

Govindappa Gounder @ Govindasamy (Dead)
v.
K. Vijayakumar and Ors.

(Civil Appeal No(s). 7464-7466 of 2011)

10 September 2025

[J.B. Pardiwala and Sandeep Mehta, JJ.]

Issue for Consideration

Whether there is any cogent material or evidence to indicate that the appellants had indulged in cutting of trees or its branches or digging up the land and thereby causing substantial damage so as to bring the case within the ambit of s.3(2)(b), Tamil Nadu Cultivating Tenants Protection Act, 1955.

Headnotes†

Tamil Nadu Cultivating Tenants Protection Act, 1955 – s.3(2)(b) – Suit filed by the respondents claiming to be the owners of the subject land seeking permanent injunction against the appellants restraining them from cutting trees or from causing any damage or waste to the subject property – Allowed – Decree set aside by First Appeallate Court – Second Appeal filed by the respondents – Respondents also filed proceedings before Revenue Court seeking eviction of the appellants on the ground that they caused damage to the suit land by felling trees etc. – Revenue Court directed eviction of the appellants from the suit land – Appellants filed Revision before High Court – Order of Revenue Court was affirmed in revision; second appeal also allowed – Challenge to:

Held: There is nothing to indicate that the appellants were negligent in any manner or had done any act by which they could be said to have caused damage to the suit land or could be said to have done something, which could be said to be injurious to the land or any crop thereon – Appellants had been cultivating the suit land since 1955-1960 – They would be more concerned or interested to protect the land, more particularly their crops they cultivate – Even assuming that there was something to indicate that the trees were pruned, that by itself would not bring the case within the ambit of s.3(2)(b) – Revenue Court mechanically relied upon the Commissioner's report and passed the order of eviction – High Court also in exercise of its revisional jurisdiction affirmed the order in a very slipshod manner

passed by the Revenue Court – High Court erred in allowing the Second Appeal filed by the respondents and thereby interfering with the findings of fact recorded by the First Appellate Court in favour of the appellants – It is only when there is cogent, credible and reliable evidence on record of gross violation of the provisions of s.3(2)(b) that the Revenue Court may be justified in ordering eviction of the tenant under the 1955 Act – Impugned order passed by the High Court in the revision petition, set aside – Original order of Revenue Court also set aside. [Paras 20-22, 25]

Interpretation of Statutes – Tamil Nadu Cultivating Tenants Protection Act, 1955, a beneficial statute – Object, stated – Interpretation of a beneficial statute – Beneficent construction – The provisions should be interpreted in such a manner that the cultivating tenants are ultimately protected and are not thrown out at the instance of the landlords who are always interested to see that the tenants leave. [Paras 22-24]

Case Law Cited

G. Ponniah Thevar v. Nalleyam Perumal Pillai & Ors. **[1977] 2 SCR 446 : (1977) 1 SCC 500 – referred to.**

List of Acts

Tamil Nadu Cultivating Tenants Protection Act, 1955; Code of Civil Procedure, 1908.

List of Keywords

Section 3(2)(b), Tamil Nadu Cultivating Tenants Protection Act, 1955; Cultivating tenants; Landlords not to evict cultivating tenants; Cutting of trees or its branches; Digging up the land; Damage to the land by felling trees; Injurious to the land or crop thereon; Revenue Court; Beneficial statute; Beneficent construction.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 7464-7466 of 2011

From the Judgment and Order dated 18.11.2009 of the High Court of Judicature at Madras in SA No. 1201 of 2004, CRP No. 4052 of 2008, and MP No. 1 of 2009.

With

Civil Appeal No(s). 7467-7469 of 2011

**Govindappa Gounder @ Govindasamy (Dead) v.
K. Vijayakumar and Ors.**

Appearances for Parties

Advs. for the Appellant:
N. Rajaraman, T. V. George, Pankaj Bist, Vijay Rawat, Karan Chauhan.

Advs. for the Respondents:
P. V. Yogeswaran, Ashish Kumar Upadhyay, Y. Lokesh, V. Kandha Prabhu, Ms. Maitri Goal, Ms. Dhatri Singh, Guneswaran Pv, N. Rajaraman, I.V Kashyap, Kamlesh Kumar Mishra, Ms. Renu, Swagata Gupta, Ms. Shivani Verma, Ms. Pragya Jaishwal, Ms. Chandana Debnath, Nitin Kumar Nayak, Piyush, Anurag Ojha, Ms. Samishti Solomon, Siddharth Sarup.

Judgment / Order of the Supreme Court

Judgment

1. Since the issues raised in both the captioned appeals are same and the challenge is also to the self same judgment and order passed by the High Court, those were taken up for hearing analogously and are being disposed of by this common judgment and order.

2. For the sake of convenience, we treat the Civil Appeal Nos. 7464-7466/2011, which are notified today at Serial No.103 of the cause list as the lead matter.

3. These appeals arise from the common judgment and order passed by the High Court of Judicature at Madras dated 18.11.2009, by which the Second Appeal filed by the respondents herein (original plaintiffs) came to be allowed thereby set asiding the judgment and decree dated 18.12.2002 passed by the First Appellate Court in Appeal Suit No. 15/2001 arising from the judgment and decree dated 24.11.2000 passed in Original Suit No. 491/1994 by the Court of the II Additional District Munsif, Coimbatore.

4. This litigation has a long drawn history. The appellants before us are the original defendants and the respondents are the original plaintiffs.

5. During the pendency of the present appeals, the appellant Govindappa Gounder @ Govindasamy passed away. In such circumstances, we have permitted his legal heirs to be brought on record. Some of the respondents have also died.

6. It is the case of the appellants herein that Govindappa Gounder @ Govindasamy was lawfully cultivating the suit land bearing Survey Nos. 169-170 respectively, situated in Village Pichanoor, Taluk Coimbatore South, Tamil Nadu, admeasuring 6 Acres & 98 Cents. Since the respondents herein claiming to be the lawful owners of the suit property were trying to interfere with the peaceful possession of the appellants herein, Original Suit No. 1363/1993 came to be instituted praying for permanent injunction restraining the land owners from interfering with his possession and cultivation of the subject land. The Original Suit No. 1363/1993 was allowed. The same came to be decreed. The Trial Court ordered that the land owners shall not disturb or interfere with the lawful possession of the tenant except in accordance with law. We are informed that against the said judgment and decree passed by the Trial Court in the Original Suit No. 1363/1993, appeal was also filed and the said appeal also came to be dismissed.

7. We now proceed to look into one another proceedings. It appears from the materials on record that the respondents herein claiming to be the lawful owners of the subject land instituted the Original Suit No. 491/1994 in the Court of District Munsif, Coimbatore seeking permanent injunction against the appellants herein restraining them from cutting trees or from causing any damage or waste to the subject property. The Plaintiffs in Original Suit No. 491/1994 also prayed for awarding adequate damages for the alleged loss caused by cutting trees etc. It appears that the Original Suit Nos. 1363/1993 and 491/1994 respectively were ordered to be consolidated, since the parties were the same and by and large the issues were also the same. Common evidence was recorded. The Original Suit No. 491/1994 came to be allowed. The relief prayed for in the said suit was granted. The appellants herein being dissatisfied with the judgment and decree passed in the Original Suit No. 491/1994, preferred a First Appeal in the District Court. The First Appeal came to be allowed and the judgment and decree passed by the Trial Court was ordered to be set aside.

8. In such circumstances referred to above, the respondents herein i.e. the original plaintiffs, went before the High Court in Second Appeal. The Second Appeal came to be allowed. The High Court set aside the judgment and decree passed by the First Appellate Court and restored the original decree passed by the Trial Court.

9. In such circumstances referred to above, the appellants –(legal heirs), are here before us with the present appeals.

10. We heard Mr. T.V. George, the learned counsel appearing for the appellants, Mr. P. V. Yogeswaran, the learned counsel appearing for the respondent no.1 and Mr. Kamlesh Kumar Mishra, the learned counsel appearing for the respondent no.4.

11. It appears that the judgment and decree that came to be passed in the Original Suit No. 491/1994 lead the respondents herein in preferring the Original Petition No. 16/2001 before the Assistant Commissioner, Revenue Court, Tiruchirapalli. The said proceedings came to be instituted by the respondents under the provisions of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (for short, "the Act 1955") for eviction of the appellants on the ground that they caused damage to the suit land by felling trees etc. It appears that the Revenue Court relied upon the report of the Commissioner appointed by the Civil Court in the suit proceedings and proceeded to pass an order dated 21.11.2008 allowing the Original Petition and directing eviction of the appellants from the suit land. While disposing of the Original Petition, the Revenue Court observed as under:

> *"On behalf of the petitioner Ex.P.2 Court commissioner's Report was marked. The said report was marked in O.S. 491 of 1994 on the file of District Munsif Court, Coimbatore. In the suit was stated that the respondent has cut the trees and its branches also caused damages to the lands by digging pits therefore they sought for damages of Rs.10,000/- and also sought for permanent injunction restraining the respondent from cutting the trees and committing acts of waste, the Trial Court also decreed the suit and the said decree is marked as Ex.P.3.*
>
> *Regarding this case it is accepted by both sides, that the petitioner was land lord and respondent was tenant, Ex.P.2 Court Commissioner, in his Report stated that trees and branches were cut down and pits also dug up in the lands. In Ex.P.3 District Munsif Courts order also it is found that the trees and branches were cut off and pits were dug up.*
>
> *Hence, the respondent has dug up the pits and cut down the trees and branches is proved. The respondent*

without cultivating the lands. Since cut down the trees and branches has caused damages to the land is proved. The Respondents were given the property for cultivation only. Since he has committed damages without cultivating lands he cost the tenancy rights and therefore losing the right as tenant.

Hence the respondent is directed to be evicted from the lands and to hand over the possession. To facilitate Executive Revenue Inspector to execute the order. The petitioner is to approach the Executive Revenue Inspector by Registered Post addressed to respondent and Village Administrative Officer."

12. The order passed by the Revenue Court lead the appellants in filing of the Civil Revision Petition No. 4052/2008 in the High Court. When the Second Appeal was taken up for hearing by the High Court, the revision was also heard together and a common order came to be passed.

13. At this stage, we must talk about the connected appeals, which are notified at Serial No. 103.1 being the Civil Appeal Nos.7467-7469/2011. These appeals have been filed by one another branch of the family of the respondent no.1 claiming to be the lawful heirs and owners of the suit property. They also seek to challenge the very same judgment and order passed by the High Court. However, we need not look into these appeals as they have already instituted the Original Suit No. 302/2009 in the Civil Court at Coimbatore, wherein the respondents herein are the original defendants. The Original Suit no. 302/2009 shall be decided by the trial Court on its own merits.

14. In the present litigation, we are only concerned with the order of eviction that came to be passed by the Revenue Court on the strength of the decree that the Civil Court passed in the Original Suit No. 491/1994. It appears that the Revenue Court relying on Ext. P.2 i.e. the Court Commissioner's report, recorded a finding that the appellants herein are responsible for cutting of trees etc., thereby causing damage to the suit land. It was also alleged that the appellants digged pits and constructed huts in the suit land. This, according to the Revenue Court, was in violation of the provisions of Section 3(2)(b) of the Act 1955.

15. In the aforesaid context, we must look into the provisions of law. The Act 1955 came to be enacted for the purpose of protection from eviction of the cultivating tenants in certain areas in the State of Tamil Nadu. Section 3 provides in what circumstances the landlords shall not evict the cultivating tenants. Section 3(2)(b) reads thus:""

> *"3. Landlords not to evict cultivating tenants:-*
>
> *(2)subject to the next succeeding sub-section(1) shall not apply to a cultivating tenant-*
>
> *(b) Who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land;"*

16. A plain reading of Section 3 would indicate that no cultivating tenant can be evicted from its holdings or any part thereof at the instance of his landlord whether in execution of a decree or order of a Court or otherwise, but the same is subject to sub-Section (b). Sub-Section (b) provides that whoever has done any act or has been guilty of any negligence, which could be termed as destructive of, or injurious to, the land or any crop thereon, then, such a tenant is liable to be evicted and he would not stand protected under the provisions of the Act 1955. Section 3(2)(b) also provides that even if the tenant has stopped cultivating the land, he would lose the protection and would be liable to eviction.

17. The short point for our consideration is whether there is any cogent material or evidence to indicate that the appellants had indulged in cutting of trees or its branches or digging up the land and thereby causing substantial damage so as to bring the case within the ambit of Section 3(2)(b) of the Act 1955.

18. We have already reproduced the findings recorded by the Revenue Court. We shall now look into the findings recorded by the High Court in this regard. Paragraphs 17, 18 and 19 respectively of the impugned judgment of the High Court reads thus:

> *"17. Section 3 of Tamil Nadu Cultivating Tenants' Protection Act, 1955 prohibits the eviction of cultivating tenants by the landlords and one of the exceptions in Section 3(2)(b) goes thus:*

> *"(b) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land."*

18. The civil court has rendered a finding to the effect that by means of the commissioner's report it has been shown that the nature of the property has been altered by cutting branches of several trees digging pits, put up new huts, constructing a water tank by embedding pipes in the suit land. The prescribed authority under the Act viz., the Revenue Court has exercised its jurisdiction in an appropriate manner in passing eviction order on the ground of causing destructive and injurious activities to the leasehold land. As far as the order passed by the revenue Court challenged before this Court is concerned, the fact placed by the appellants before the said court has been thoroughly and appropriately appreciated and eviction order has been passed.

19. It is urged on the side of the first respondent that there was no landlord and tenant relationship between the appellants and the first respondent. The court has to bear in mind that only on behalf of Kuppusamy Gounder and Palani Gounder, who were then minors, Palaniappa Gounder leased the properties to Chinnaiah and after he left the properties with them, they took responsibility of the affairs of the suit property the fact that they are owners of the property having been known by the tenants and the undertaking on the part of the first respondent to the effect that he is ready and willing to attorn the tenancy in favour of valid title holder would go a long way to show that there is landlord tenant relationship existing between the parties."

19. We take notice of the fact that against the order passed by the Revenue Court referred to above, a revision lies directly in the High Court as provided under Section 6(B) of the Act 1955, which reads thus:

> *"6-B. Revision by High Court - The Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and his*

orders shall be liable to revision by the High Court under the provisions of the Section."

20. We have reached the conclusion having regard to the materials on record that there is nothing to indicate that the appellants were negligent in any manner or had done any act by which they could be said to have caused damage to the suit land or could be said to have done something, which could be said to be injurious to the land or any crop thereon. We should not overlook the fact that the appellants had been cultivating the suit land since 1955-1960. They would be more concerned or interested to protect the land, more particularly their crops they cultivate. Assuming for a moment that there is something to indicate that the trees were pruned by itself would not bring the case within the ambit of Section 3(2)(b) of the Act 1955. It appears that the Revenue Court mechanically relied upon the Commissioner's report and passed the order of eviction. The High Court also in exercise of its revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908, affirmed the order in a very slipshod manner passed by the Revenue Court.

21. In such circumstances referred to above, we are of the view that the High Court committed an error in allowing the Second Appeal filed by the respondents and thereby interfering with the findings of fact recorded by the First Appellate Court in favour of the appellants herein.

22. The Act 1955 was enacted solely to protect the interest of the cultivating tenants. In other words, the object in enacting the said Act was to protect the cultivating tenants from forcible dispossession by the landlords. In such circumstances, the provisions of the Act should also be interpreted accordingly. In other words, the provisions should be interpreted in such a manner that the tenants are ultimately protected and are not thrown out at the instance of the landlords who are always interested to see that the tenants leave. It is only when there is cogent, credible and reliable evidence on record of gross violation of the provisions of Section 3(2)(b) of the Act 1955 that the Revenue Court may be justified in ordering eviction of the tenant under the Act 1955.

23. The enactments like the Act 1955 are really meant for the purposes proclaimed by them. The obvious effect of such statutory provisions cannot be taken away or whittled down by forensic sophistry. Courts

should not allow themselves to become tools for defeating clearly expressed statutory intentions. *[See: G. Ponniah Thevar v/s Nalleyam Perumal Pillai & Ors. reported in (1977)1 SCC 500]*

24. 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. A beneficial statute has to be construed in its correct perspective so as to fructify the legislative intent. The Act, 1955 seeks to protect cultivating tenants from unjust evictions and it is a cardinal principle of law that in case of doubt, such Acts should be interpreted to lean in favour of tenants.

25. In the result, these appeals succeed and are hereby allowed. The impugned order passed by the High Court in the Civil Revision Petition No. 4052/2008 is hereby set aside. Consequently, the original order of Revenue Court also stands set aside.

26. We direct that the respondents shall not interfere with the possession of the appellants, save and except in accordance with law.

27. In view of the disposal of Civil Appeal Nos. 7464-7466/2011, the connected Civil Appeal Nos. 7467-7469/2011 also stand disposed of.

28. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals disposed of.

†*Headnotes prepared by:* Divya Pandey