2023 LiveLaw (SC) 437

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

KRISHNA MURARI; J., AHSANUDDIN AMANULLAH; J.

MAY 11, 2023

CIVIL APPEAL No(s).3626 OF 2023 [Arising from Petition(s) for Special Leave to Appeal (Civil) No(s). 20057 of 2022]

K. CHINNAMMAL (DEAD) THR. LRS. *versus* **L.R. EKNATH & ANR.**

Tamil Nadu Cultivating Tenants Protection Act, 1955; Section 3 - Late payment of rent as per the direction of the Revenue Court, is clearly a valid ground for effecting eviction of the cultivating tenant. The 1955 Act confers a privilege on the cultivating tenant vis-a-vis the landlord, by which the cultivating tenant is protected from eviction by the landlord. Further, the scope of eviction of the cultivating tenant at the behest of the landlord, is circumscribed by the Act. Thus, the limited grounds for eviction of the cultivating tenant by the landlord under the Act, must not be frustrated by granting some extra benefit or indulgence to the cultivating tenant.

A1: K. CHINNAMMAL, A1.1: K. ANDI @ BALU, A1.2: K. SOLAIMALAI. A1.3: T. THAVAMANI, A1.4: P. JOTHI, R1: L. R. EKNATH, R2: K. BOSE

For Appellants: Mr. Sandeep Rana, Adv. Ms. M. Venmani, Adv. Mr. S. Gowthaman, AOR

For Respondents: Mr. S. D. Dwarakanath, Adv. Mr. Chand Qureshi, AOR Mr. Ramu Vutukuri, Adv. Mr. Atul Bhojane, Adv.

J U D G M E N T

AHSANUDDIN AMANULLAH, J.

Heard learned counsel for the parties.

2. Leave granted.

3. The present appeal is directed against the Final Judgment and Order dated 25.04.2022 (hereinafter referred to as the "Impugned Judgment") in Civil Revision Petition (NPD) (MD) No. 271 of 2022 (hereinafter referred to as the "Civil Revision Petition"), passed by a learned Single Bench of the Madras High Court Bench at Madurai (hereinafter referred to as the "High Court"). The High Court dismissed the Civil Revision Petition filed by the appellants taking recourse to Article 227 of the Constitution of India (hereinafter referred to as the "Constitution").

THE FACTUAL PRISM:

4. The respondent No.1 had filed T.C.T.P. No. 5 of 2015 before the Revenue Court, Madurai (hereinafter referred to as the "Revenue Court"), on 08.12.2014, against the appellants seeking their eviction on account of not having paid the lease rent for *Fasli* 1419 to *Fasli* 1424 (corresponding to the years 2009 to 2014) @ 10½ bags of paddy each weighing 65kgs.

5. On 04.02.2019 in I.A. No. 29 of 2015 in T.C.T.P. No. 5 of 2015, the Special Deputy Collector, Revenue Court, ordered the appellants to pay lease rent of 31½ bags of paddy or the amount equivalent to it, to the respondents, within two months from the receipt of the Order, failing which eviction proceedings would be initiated against the appellants. It would be relevant to note that the said Order was concerned with the lease rent(s) for *Fasli*(s) 1421, 1423 and 1424. Though legal notices between the parties were exchanged thereafter, but the lease amount is said to have been finally deposited by the appellants on 18.02.2021. A Memo dated 22.02.2021 was filed in the Revenue Court.

6. The respondent no.1 then filed I.A. No. 15 of 2021 in T.C.T.P. No. 5 of 2015 before the Revenue Court, seeking eviction of the appellants as they had failed to deliver the 31½ bags of paddy, or the amount equivalent, towards lease rent, which was allowed *vide* Order dated 03.12.2021, on the ground that the appellants did not deposit the lease rent amount within two months.

7. The appellants challenged the Order dated03.12.2021 by way of Civil Revision Petition (NPD) No. 271 of 2022 at the Madurai Bench of the Madras High Court. The same was dismissed by the Impugned Judgement, confirming the Order dated 03.12.2021 passed by the Special Deputy Collector, Revenue Court, in I.A. No. 15 of 2021 in T.C.T.P. No. 5 of 2015, thus giving rise to the present appeal. We deem it apposite to extract the short order hereunder *in toto*:

"*To set aside the order the order passed by the Special Sub Collector, Revenue Court, Madurai in I.A.No.15 of 2021 in T.C.T.P.No.5 of 2015 dated 03.12.2021, the revision petitioners have filed this Civil Revision Petition before this Court.*

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. As per order dated 04.02.2019, in I.A.No.29 of 2015 in T.C.T.P.No.5 of 2015, the Revenue Court, Madurai has directed the revision petitioners to deposit the lease amount for three Faslis viz., 1421, 1423 and 1424, within two months, from the date of receipt of a copy of the order. The revision petitioners had received the order copy on 10.10.2020. So, the revision petitioners have to pay the lease amount within trhee months from 10.10.2020, but they had deposited lease amount only on 18.02.2021, ie., beyond the time limit. The revision petitioners have stated that they have issued notice to the respondent, but they have not deposited the lease amount within three months from the date of receiving the order copy. Hence, on that basis the Revenue Court has rightly directed the revision petitioners to vacate the land. This Court finds no valid reason to allow this revision petition.

4. Accordingly, this Civil Revision Petition stands dismissed and order passed by the Special Sub Collector, Revenue Court, Madurai in I.A. No.15 of 2021 in T.C.T.P.No.5 of 2015 dated 03.12.2021 is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed."

SUBMISSIONS BY THE APPELLANTS:

8. Learned counsel for the appellants submitted that they had received the Order dated 04.02.2019 only on 10.10.2020 and had sent Legal Notice to the respondent No.1 on 06.11.2020 i.e., well within two months from the date of receipt of the Order dated 04.02.2019, (a) expressing their readiness and willingness to pay the lease rent of 31½ bags of paddy, and (b) asking them to come with all the legal heirs of the original lessor and collect the lease rent.

9. It was further submitted that on 11.11.2020, the respondent no.1 replied that the appellants should come with all the five legal heirs of the cultivating tenants together and deliver the lease rent arrears of 31½ bags of paddy to him, who would accept it after obtaining consent from the heirs of the original lessor. Learned counsel submitted that thereafter Replication Notice dated 07.12.2020 was issued by appellant no.1.

10. Thus, the learned counsel submitted that therespondents having failed to come and accept the lease rent arrears, the same was deposited in court on 18.02.2021 for Rs.28,563/- in the State Bank of India Treasury of the Special Deputy Collector, Revenue Court, and a Memo dated 22.02.2021 was filed by the appellants, with the receipt of such deposit before the said Revenue Court.

11. It was submitted that only thereafter the respondents filed I.A. No. 15 of 2021 in T.C.T.P. No. 5 of 2015 before the Revenue Court, for eviction of the appellants on the ground that the lease rent of 31½ bags of paddy were not paid within the two months, as directed by Order dated 04.02.2019.

12. Learned counsel submitted that even after the appellants filed a Reply to I.A. No. 15 of 2015 explaining the entire position and denying any delay in paying the lease rent amount, the Special Deputy Collector, Revenue Court, by Order dated 03.12.2021 in I.A. No. 15 of 2012 in T.C.T.P. No. 5 of 2015, directed that the appellants be evicted from the concerned land.

13. Learned counsel submitted that the High Court *vide* the Impugned Judgment dated 25.04.2022 had wrongly rejected the Civil Revision Petition and confirmed the Order dated 03.12.2021 passed by the Special Deputy Collector, Revenue Court. It was submitted that Section 3 of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (hereinafter referred to as the "Act") does not provide for eviction after the deposit of the due amount(s) and in the present case, the delay, not being inordinate, such order(s) ought not to have been passed. It was the further contention of the learned counsel that Section 3 of the Act also does not specify delay in deposit of rent as a ground for eviction.

14. It was next urged that the Order dated 04.02.2019 was received by the Appellants only on 10.10.2020 and payment was eventually made on 18.02.2021, the said period falling during the COVID-19 pandemic, the delay was required to be condoned.

15. Learned counsel submitted that Section 4 of the Act also provides for restoration of possession of the land on payment of any arrears of rent.

SUBMISSIONS OF THE RESPONDENT NO.1:

16. *Per contra*, learned counsel for the respondent no.1 submitted that even as per the contention of the appellants themselves, the copy of the Order dated 04.02.2019 was received by them on 10.10.2020 and thus, they had to comply with the same latest by 09.12.2020 i.e., within 2 months, which, admittedly, had not been done. Further, it was submitted that the appellants, only to delay, had sent a frivolous Legal Notice stating that all the legal heirs of the original lessor should come together and receive rent and issue receipt, which was appropriately responded to by the respondent no.1 on 21.12.2020, highlighting that no steps were taken by the appellants to pay the lease amount.

17. It was submitted that even on 18.02.2021, only anamount of Rs.28,563/- was deposited instead of the total accrued amount of Rs.37,820/- and till date the remaining amount had not been deposited. It was submitted that the appellants suppressed the factum that the respondent No.1 had, after the passing of the Impugned Judgment, instituted Execution Proceedings No. 1 of 2022 and E.A. No. 5 of 2022 for police protection and delivery, which was finally effected on 13.10.2022.

ANALYSIS, REASONING AND CONCLUSION:

18. Though this Court had verbally permitted filing written submissions, however, the appellants filed written submissions totalling 16-pages (including extracts from the Act), that too without forwarding a copy thereof to the respondents. Further, belatedly, the appellants also filed a list of judgments, again without serving the other side.

19. Thus, this Court, ordinarily, would have rejected even considering the same, but nonetheless, in the interest of justice, has surveyed both the written submissions and the judgments submitted, more so for the reason that in view of the order eventually being

passed by us, no prejudice is going to be caused to the other side due to such non-supply. We shall refer to the judgments relied on by the appellants at the appropriate place *infra*.

20. Having considered the matter, this Court does not find any merit in the present appeal. To begin with, the Order dated 04.02.2019, passed by the Revenue Court, was never assailed by the appellants herein. Thus, the relationship of the tenant-landlord is not disputed. Moreover, though the respondent no.1 had filed the case for recovery of lease rent for *Fasli*(s) No. 1419 to 1424 @ 10½ bags of paddy for each year, each bag weighing 65 kgs.; ultimately the Order passed by the Revenue Court on 04.02.2019 was in the form of a direction to the appellants to pay 31½ bags of paddy or its equivalent amount to the respondents for *Fasli*(s) No. 1421, 1423 and 1424. As noted above, the substantive Order dated 04.02.2019, having never been assailed, has attained finality. Even upon receiving copy of the Order dated 04.02.2019 on 10.10.2020, compliance was not made within two months i.e., by 09.12.2020.

21. At this juncture, the Court would pause to indicate that merely by the appellants sending a Legal Notice on 06.11.2020, calling upon the respondent no.1 to come and collect the rent would not, *ipso facto*, discharge their onus, in law, to pay. The appellants could not have called upon the respondents *via* a Legal Notice to come and collect the rent as, simply stated, they were obliged in law, having not assailed the Order dated 04.02.2019, to pay and, if for any reason the respondent no.1, either due to non-availability or resistance/refusal to receive/accept the same, the Order dated 04.02.2019 had clearly provided that either 31½ bags of paddy or the amount equivalent thereto could easily have been deposited before the Revenue Court; as ultimately is stated to have been done by the appellants, though belatedly, on 18.02.2021.

22. Sections 3 and 4 of the Act read as under:

*"**3. Landlords not to evict cultivating tenants** (1) Subject to the next succeeding sub-sections, no cultivating tenant shall be evicted from his holding or any part therof, by or at the instance of his landlore, whether in execution of a decree or order of a Court or otherwise. (2) Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant-*

(a) who, in the areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Tamil Nadu Act XIV of 1952), was in force immediately before the dale of coming into force of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord does not pay such rent within six weeks after such commencement or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(aa) who, in the other areas of the State of Tamil Nadu, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to the 31st March, 1954, does not pay such rent within a month alter such commencement, or who in respect of rent payable to the landlord after such commencement, does not pay such rent within a month after such rent becomes due; or]

(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; or

(c) who has used the land for any purpose not being an agricultural or horticultural purpose; or

(d) who has willfully denied the title of the landlord to the land.

Explanation I. - A denial of the landlord's title under a bona fide mistake of fact is not wilful within the meaning of this clause.

Explanation II. - In relation to areas where the Tanjore Panniyal Protection Act, 1952 ([Tamil Nadu] Act XIV of 1952) [was in force] immediately before the dale of coming into force of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956, the expression "commencement of this Act" wherever it occurs in this Act shall be construed as referring to the date aforesaid.

Explanation III. - In relation to the added territories, clause (aa) of this subsection shall have effect as if the following clause had been substituted, namely:-

"(aa) who, if in arrear on the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963, is first published in the [Fort St. George Gazette], with respect to the rent payable to the landlord and accrued due during a period of one month before such date does not pay such rent within a month after such date, or who in respect oi rent payable to the landlord after such date, does not pay such rent within a month after such rent becomes due; or"

Explanation IV. - In relation to Kanyakumari district, clauses (aa) of this sub-section shall have effect as if the following clause had been substituted, namely:-

(aa) who, if in arrear on the dale on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the Tamil Nadu Government Gazette with respect to the rent payable to the landlord and accrued due during a period of one moot Is before such date does not pay such rent within a month after such date, or who in respect of rent payable to the landlord after such date, does not pay such rent within a month after such rent becomes due; or]

(3)(a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord-

(i) in the case of rent accrued due subsequent to the 31st March 1954, within a month after the commencement of this Act;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due;

(b) The Court shall cause* notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

(c) The expression "Court" in this subsection means the Court which passed the decree or order for eviction, or where there is no such decree or order, the Revenue Divisional Officer.

Explanation I. - In relation to the Shencottah taluk of the Tirunelveli district, the expression 'commencement of this Act' wherever it occurs in clause (a) of this subsection shall be construed as referring to the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961, is first published in the Fort St. George Gazette.

Explanation II. - In relation to the added territories, the expression 'rent accrued due subsequent to the 31st March 1954' occurring in sub-clause (i) of clause (a) of this subsection shall be construed as referring to rent accrued due during a period of one month before the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 is first published in the Fort St. George Gazette.

Explanation III. - In relation to the Kanyakumari district, the expression rent accrued due subject to the 31st March 1954' occurring in sub-clause .(i) of clause (a) of this of this sub-section shall be construed as referring to rent accrued due during a period of one month before the date on which the [Tamil Nadu] Cultivating Tenants, Protection and Payment of Fair Rent (Extension to Kanyakumari district) Act, 1972, is first published in the Tamil Nadu Government Gazette.

(4) (a) Every landlord seeking to evict a cultivating tenant falling under subsection (2) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the Revenue Divisional Officer and such application shall bear a Court-fee stamp of one rupee.

(b) On receipt of such application, the Revenue Divisional Officer shall, alter giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) or clause (aa) of sub-section (2) in which the tenant had not availed oi the provisions contained in sub-section (3), the Revenue Divisional Officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under subsection (3)(b). If the cultivating tenant fails to deposit the sum as directed, the Revenue Divisional Officer shall pass an order for eviction.

Provided that the Revenue Divisional Officer shall not direct the cultivating tenant to deposit such arrears of rent as have become Time barred under any law of limitation for the time being in force.

4. Right to restoration of possession.

(1) Every cultivating tenant who was in possession of any land on the 1st December 1953 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue' Divisional Officer, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December 1953.

(2) Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession-

(i) if, on the day this Act comes into force, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the Explanation below or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55; or

(ii) if the landlord, after evicting such cultivating tenant from the land [has been carrying on personal cultivation on the land], provided as follows:

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as tenant does not exceed the extent specified in the Explanation below; and

(b) the landlord has not been assessed to any sales tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55; or (iii) if subsequent to the 1st December, 1953, the landlord has *bona fide* admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act;

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and, the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

Explanation. - The extent referred to in clauses (i) to (iii) above is 6-23 acres of wet land.

(3) Every application to a Revenue Divisional Officer under sub-section (1) shall be made within thirty days from the commencement of this Act, and shall bear a court-fee stamp of one rupee;

Provided that the application maybe received after the period of thirty days aforesaid, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under subsection (3), the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application, or dismissing it the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including in regard to-

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding in amount one year's rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation. - In lieu of imposing any condition relating to reimbursement as provided in clause (ii), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the lime when the order is passed, has been harvested.

(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Divisional Officer within two months from the dale of such eviction or within two months from the date of coming into force of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956) for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application.

Explanation I. - In relation to the Shencottah taluk of the Tirunelveli district, the expressions '1st December, 1953' and '1953-54 or 1954-55 wherever they occur in this section shall be construed respectively as referring to '1st March, 1958' and '195758 or 1958-59'.

Explanation II. - Nothing in sub-sections (1), (2) and (3) shall apply to the added territories.

Explanation III. - Nothing in sub-section (1), (2) and (3) shall apply to the

Kanyakumari District."

23. The contention of the learned counsel for the appellants that Sections 3 & 4 of the Act would come to their rescue is, in our view, erroneous, for the reason that as per Section 3 of the Act, late payment of the rent as per the direction of the Revenue Court is clearly a valid ground for effecting eviction. Likewise, Section 4 of the Act provides for restoration of possession only in limited cases and that too when the default is of only one year of lease amount to be paid; whereas in the present case, the default was for three *Fasli* years.

24. Reliance placed by the appellants on the judgment of this Court in ***S N Sundalaimuthu Chettiar v Palaniyandavan*, AIR 1966 SC 469** is misplaced, as it has no applicability to the facts of the present case. It related to an order made under Section 3(3) (a) of the Act by which the respondents of the said case were permitted to deposit the arrears of rent holding them to be 'cultivating tenant' under Section 2(a) of the Act being

covered under Section 2(ee) of the Act which defines the meaning of the expression 'carry on personal cultivation'. The Revenue Court's finding of the respondents being '*landlord*' and the appellants being '*cultivating tenant*' was never assailed by the appellants. Notably, the challenge by filing the Civil Revision Petition was confined to only the Order of eviction dated 03.12.2021 and not against the original Order i.e., the Revenue Court's Order dated 04.02.2019, wherein it was categorically held that the appellants are cultivating tenants and the respondents are landlords and which directed for their eviction in the event of failure to pay the lease rent within two months.

25. Similarly, apropos the decision in ***G Ponniah Thevar v Nellayam Perumal Pillai*, (1977) 1 SCC 500**, we note that the Court had only held that cultivating tenant inducted by the person holding life estate in that land was also entitled for protection as per the provisions of the Act, even against the heirs of the inductor and they can only be evicted by following the procedure laid down in the Act for reasons therein mentioned. In fact, in Paragraph No. 4, it has been noted that Section 3(2) of the Act deals with exceptional circumstances, such as default in payment of rent in which the statutory protection from eviction of the tenant has been lifted. In the case at hand, in fact, the procedure contemplated under the Act has been followed. Thus, in our view, the aforesaid decision equally is not relevant in the facts and circumstances of the present case.

26. We are afraid we cannot accord any benefit to theappellants, as sought to be taken on the basis of the various orders passed in ***Suo Motu* Writ Petition (C) No. 3 of 2020**, starting from Order dated 23.03.2020 **[(2020) 19 SCC 10]** leading up to ***Cognizance for Extension of Limitation, In Re*, (2022) 2 SCC 117**, for the reason that the same relates to extension of the limitation period for filing Petitions/ Applications/ Suits/ Appeals/ all other judicial or quasi-judicial proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State), and has absolutely no bearing insofar as the present matter is concerned.

27. The question of extension of time for complianceof the orders of court does not, in any manner, relate to limitation. In any event, in the orders, starting from **(2020) 19 SCC 10** and till **(2022) 2 SCC 117** (*supra*) this Court was not extending, by way of overarching and/or omnibus directions, time to comply with and/or obey judicial/court orders. Order dated 23.03.2020 in ***Suo Motu* Writ Petition (C) No. 3 of 2020 [(2020) 19 SCC 10]** has been commented upon in ***S Kasi v State*, (2021) 12 SCC 1**, where this Court was pleased to opine as under:

"*19. The limitation for filing petitions/ applications/ suits/ appeals/ all other proceedings was extended to obviate lawyers/litigants to come physically to file such proceedings in respective courts/tribunals. The order was passed to protect the litigants/lawyers whose petitions/ applications/ suits/ appeals/ all other proceedings would become timebarred they being not able to physically come to file such proceedings. The order was for the benefit of the litigants who have to take remedy in law as per the applicable statute for a right. The law of limitation bars the remedy but not the right. When this Court passed the above order for extending the limitation for filing petitions/ applications/ suits/ appeals /all other proceedings, the order was for the benefit of those who have to take remedy, whose remedy may be barred by time because they were unable to come physically to file such proceedings. …*"

(emphasis supplied)

28. More importantly, when the appellants themselves admit that they had given a Legal Notice on 06.11.2020 showing their readiness and willingness to pay the lease rent amount, then they cannot take plea that they were handicapped due to the COVID-19 pandemic. Finally, they deposited Rs.28,563/- on 18.02.2021. *Ergo*, it is manifest that in the instant case, there was no such special handicap, effectuated by the pandemic, on

the appellants in complying with the direction to pay 31½ bags of paddy or an amount equal thereto, which could have compelled us, if at all, to lean in favour of the appellants.

29. Another aspect this Court would not lose sight of is the fact that the Act confers a privilege on the cultivating tenant *vis-a-vis* the landlord, by which the cultivating tenant is protected from eviction by the landlord. In order to grant such privilege, the scope of eviction of the cultivating tenant at the behest of the landlord is circumscribed, by the Act. Hence, the court is required to ensure that even the said limited ground(s) for eviction by the landlord of the cultivating tenant, are not frustrated by granting some extra benefit or indulgence to the cultivating tenant.

30. In the present factual set-up, the default is ofat least three years, and the time given of two months was not *per se* inadequate. It is a matter of record that whatever payment was made/deposited, without going into whether it satisfied the Order dated 04.02.2019 or not, was made after over four months had elapsed, from the date of knowledge of the Order dated 04.02.2019, as admitted by the appellants.

31. As far as the width and amplitude of powers ofthe High Court under Article 227 of the Constitution is concerned, we need only take note of, *in praesenti*, ***Estralla Rubber v Dass Estate (P) Ltd.*, (2001) 8 SCC 97**, and ***Garment Craft v Prakash Chand Goel*, (2022) 4 SCC 181**. In ***Estralla Rubber*** (*supra*), it was stated:

"*6. The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to.*

7. This Court in Ahmedabad Mfg. & Calico Ptg. Co. Ltd. v. Ram Tahel Ramnand [(1972) 1 SCC 898 : AIR 1972 SC 1598] in AIR para 12 has stated that the power under Article 227 of the Constitution is intended to be used sparingly and only in appropriate cases, for the purpose of keeping the subordinate courts and tribunals within the bounds of their authority and, not for correcting mere errors. Reference also has been made in this regard to the case Waryam Singh v. Amarnath [AIR 1954 SC 215 : 1954 SCR 565] . This Court in Bathutmal Raichand Oswal v. Laxmibai R. Tarte [(1975) 1 SCC 858 : AIR 1975 SC 1297] has observed that the power of superintendence under Article 227 cannot be invoked to correct an error of fact which only a superior court can do in exercise of its statutory power as a court of appeal and that the High Court in exercising its jurisdiction under Article 227 cannot convert itself into a court of appeal when the legislature has not conferred a right of appeal. Judged by these pronounced principles, the High Court clearly exceeded its jurisdiction under Article 227 in passing the impugned order."

32. In the more recent ***Garment Craft*** (*supra*), this Court put it thus:

"*15. Having heard the counsel for the parties, we are clearly of the view that the impugned order [Prakash Chand Goel v. Garment Craft, 2019 SCC OnLine Del 11943] is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court*

exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. [Celina Coelho Pereira v. Ulhas Mahabaleshwar Kholkar, (2010) 1 SCC 217 : (2010) 1 SCC (Civ) 69] The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice."

33. Although the Impugned Judgment is a short one, for the additional reasons afore-enumerated, and keeping in view the principles enunciated in the preceding paragraphs, we do not deem it appropriate to tinker therewith.

34. On an overall circumspection of the facts and circumstances, this Court does not find any infirmity in Impugned Judgment, and the Orders dated 04.02.2019 and 03.12.2021 passed by the Revenue Court. Interim order dated 31.10.2022 is vacated.

35. Accordingly, this appeal stands dismissed.

36. Any pending application(s) is/are closed.

37. Costs made easy.