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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday the Twenty fourth day of February
One thousand nine hundred and seventy-eight

PRESENT:

The Honourable Mr. Justice Nainar Sundaram
Civil Revision Petition No.1101 of 1975

Appasami Naidu .. Appellant .. Petitioner

Vs.

The Authorised Officer,
Land Reforms at Grey Town, Respondent .. Respondent
Coimbatore-18.

Petition under Section 115 of Act V of 1908 read with Section 83 of Tamil Nadu Land Reforms Act 58/61 praying the High Court to revise the order of the Court of the Land Tribunal (Principal Subordinate Judge, Coimbatore, dated 20th February 1975 and made in L.T.A. No.270/74 (In the Ref. No.26A/MRI/A. Authorised Officer, Land Reforms, Coimbatore)).

ORDER:

This petition coming on for hearing on this day upon perusing the petition, the order of the Lower Court and the record in the case and upon hearing the arguments of Mr. K. Sarva-bhavman, Advocate for the petitioner and of Mr. K. Govindarajan for Additional Government Pleader on behalf of the Respondent, the Court made the following order:-

The Landowner under the Tamil Nadu Land Reforms Act 58 of 1961, herein after referred to as the Act, is the petitioner in this revision, in the proceedings taken by the Authorised Officer (Land Reforms), Coimbatore under the Act, the landowner wanted to putforth a partition said to have been effected between himself and five married daughters in respect of certain lands in question. Such a transaction was discountenanced by the Authorised Officer and the landowner filed an appeal L.T.A.No.270 of 1974 before the Land Tribunal (Principal Subordinate Judge), Coimbatore. The Land Tribunal by the Judgement and decree dated 20th February, 1975 concurred with the Authorised Officer and dismissed the appeal. The present revision is directed against the judgment and

decree of the Land Tribunal. I have gone through the Judgment of the Land Tribunal and I find that the contention of the landowner have been rightly repelled because the daughters cannot during the life time of the petitioner claim any interest in the properties concerned and demand a partition and in that context the partition put-forth appears to be not a genuine one and in any event cannot be put-forth as taking away the title of the landowner in the lands in question. It has been rightly ignored by the forums below for the purposes of proceedings under the Act. I do not find any error of law or error of jurisdiction committed by the Land Tribunal so as to warrant interference in revision. In this view, this revision is dismissed but, there will be no order as to costs.

(Sd.) C.R. GOPALAKRISHNAN,
8th May 1978.

/True copy/