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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 Hon'ble Mr. Justice Nainarsundaram

Civil Revision Petition No.1210/75

1. Sethuraman
2. Puthisikamani
3. Sivasubramanian
4. Singaram
5. Ammalu Ammal

Petitioners/Appellants

Vs.

The Authorised Officer
(L.Ref.), Ramnad at Madurai

Respondent/Respondent

Petition under Section 115 of C.P.C. read with Section 82 of Act 58/61 (as amended by Act 17/70) praying the High Court to revise the order of the Court of the Land Tribunal (Subordinate Judge, Ramnad at Madurai), dated 10th April 1975 and made in L.P.A. 5/74.

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. A. Varadarajan, Advocate for the petitioner and of Mr. K. Venkataswami, Additional Government Pleader, on behalf of the Respondent the Court made the following order:

The land-owners under the Tamil Nadu Act 58/61 are the petitioners. When proceedings were initiated under the Act, their predecessor in title, challam Servai put forth several contentions out of which only one survives for the purpose of this revision. The said contention relates to exemption claimed in respect of certain survey number under Section 73, Clause 8 of the Act.

The Authorised Officer found that the lands for which the landowners prayed for exemption under that category cannot be

said to be one used exclusively for growing fuel trees. The Authorised Officer found that the trees found in survey numbers are not of permanent nature and they have not been grown by the landowners and that they have grown just accidentally. These conclusions the Authorised Officer arrived at after personal inspection of the lands concerned. In this view, the exemption prayed for was negatived by the Authorised Officer.

There was an appeal to the Land Tribunal (Subordinate Judge) of Ramanathapuram at Madurai in Land Reforms Appeal No. 5/74, and the Land Tribunal concurred with the order of the Authorised Officer in this connection. It must be pointed out that the other reliefs prayed for by the land owners were granted by the Land Tribunal. So far as this contention is concerned, I find that there is absolutely no evidence that Landowners consciously indulged in cultivation and growing of fuel trees in the lands concerned which alone would suffice the purpose of Section 73, clause 8 of the Act. This must be the correct proposition to be applied while invoking exemption under Section 73, clause 8 of the Act. In view of the fact that the expression "use exclusively for growing fuel trees" no spontaneous growth and sporadic growth of fuel trees will warrant the invocation of clause 8, section 73 of the Act, for the potentialities of the land for being converted into cultivable lands cannot be ruled out. I do not find any error of any law or error of jurisdiction committed by the authorised officer and the Land Tribunal in this connection.

In this view, the present revision is dismissed, but there will be no order as to costs.

(Sd.) C.R. Gopalakrishnan,
20-4-78
Assistant Registrar.

/True copy/