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IN THE HIGH COURT OF JUDICATURE AT MADRAS
Friday the Twenty fourth day of November
One thousand nine hundred and seventy eight

PRESENT:

The Honourable Mr. Justice Ramanujam
Civil Revision Petition No.1571 of 1976.

- | | | |
|---------------|----|------------|
| 1. Angathal | .. | Petitioner |
| 2. Arukkathal | | |
| 3. Nachathal | | |
| 4. Sellathal | | |
| 5. Muthathal | .. | Appellants |

Vs.

1. The State of Tamil Nadu represented by the District Collector, Tiruchirapalli - Respondent.
2. The Authorised Officer (Land Reforms) Tiruchi.
3. Periasamy Gounder.

Petition under Section 83 of the Act 58 of 1961 praying the High Court to revise the order of the Court of the Land Tribunal (Pri. Sub-Judge), Tiruchirapalli, dated 25th May 1976 and made in L.T.C.M.A. 122 of 1974.

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. S. Sivasubramaniam, Advocate for the petitioner and of Additional Government Pleader on behalf of the Respondents 1 and 2 and notice to 3rd respondent having been dispensed with the Court made the following orders:--

This revision petition is directed against the order of the Land Tribunal holding that 13 acres of land given to each of the five daughters of Periaswami Gounder under a partition deed, dated 4th October 1971 cannot be excluded from the holding of the father Periaswami Gounder for the reason that the partition has taken place after 2nd October 1970 the notified date.

The learned counsel for the petitioner submits that the partition is a bonafide transaction and therefore the Authorised Officer as well as the Land Tribunal are in error in including

the lands given to the daughters under the partition in the holding of the father Periasami Gounder.

We are not concerned as to whether the partition deed dated 4th October 1971 is bonafide or not. Even if it is bonafied, the partition deed having come into existence after the notified date cannot be taken into account for the purpose of determining the ceiling area of the father as on 2nd October 1970, the notified date. As per the provisions of the Act, the subsequent partition cannot be taken into account for determining the ceiling area of Periasami Gounder. Therefore, the Authorised Officer as well as the Tribunal have rightly rejected the petitioner's contention that the lands given to the daughters under the partition deed 4th October 1971, cannot be included in the holdings of the father. The civil revision petition has therefore to be dismissed.

The learned counsel for the petitioner, however, points out that a bonafide error has crept in the final statement prepared under Section 12 of the Act, in that an extent of 9.71 acres which does not belong to the family of Periasami Gounder has been shown to be within the holding. It is also pointed out that even the total acreage as per the figures given in the final statement has not been correctly totalled and as slightly larger extent has been mentioned then the extent possessed by Periaswami Gounder. If really there is a bonafide mistake or a clerical error in the final statement as pointed out by the petitioner, he can approach the Authorised Officer under Section 15 for rectification of such mistake. The petitioner is at liberty to do so.

The civil revision petition is dismissed. No costs.

(Sd.) K.V. Ramachandran,
Assistant Registrar.

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