

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Thursday, the nineteenth day of October
One thousand nine hundred and seventy eight

PRESENT:

The Honourable Mr. Justice Ramanujam

Civil Revision Petition

No. 2103 of 1976

V.L. Balakrishnan Naidu

Petitioner

Vs

The Authorised Officer, Land Reforms,
Coimbatore

Respondent
(Petitioner)

Petition under section 83 of the Land Reforms Act praying the High Court to revise the order of the Court of the Land Tribunal, Coimbatore dated 4-12-74 and made in the L.T.A. No. 181 of 1974 (Ref. No. 6B/MRI/A, the Authorised Officer, Coimbatore).

ORDER: This petition coming on for hearing on this day upon perusing the petition, the orders of the Courts below and the records in the case and upon hearing the arguments of Mr. S. Jagdev for M/s. G.M. Nathan, N. Vanchinathan and P. Shanmugam, Advocates for the petitioner and of Mr. K. Venkataswami, the Additional Government Pleader on behalf of the respondent, the court made the following order:

The petitioner herein held lands in excess of the ceiling area of 15 standard acres. Therefore he was called upon to submit a return by issuing a notice in Form 8-A. A return was filed and after hearing the objections of the petitioner, an order under section 10(5) was passed on 10-4-73. Though an appeal lay against the said order to the Land Tribunal under section 78, the petitioner did not file any appeal. Subsequently, a final statement under section 12 was published on 1-8-1973 which was later followed up by a notification dated 24-10-1973 under section 18(1). It is at this stage the petitioner filed an appeal before the Land Tribunal under section 78 against the final statement under section 12. The Land Tribunal dismissed that appeal on the ground that no appeal lay against the final statement under section 12. It is the validity of that order which has been challenged in this revision petition.

According to the learned counsel for the petitioner the Tribunal was in error in rejecting the appeal on the ground that the appeal is not maintainable against an order under section 12 and that even if an appeal does not lie, the Tribunal should have exercised its revisional power under section 78 of the Act, Treating the appeal as a revision. Admittedly the order under section 10(5) became final the same not having been appealed against even though an appeal lay under section 78 of the Land Tribunal. The order challenged before the Land Tribunal was an order passed under section 12 against an order under section 12 only a revision lay to the Land Commissioner under section 82. Though revisional power was originally given to the Land Tribunal under section 81 that section had been deleted by Act 39 of 1972 and therefore after 1972 the Land Tribunal had no revisional jurisdiction and the revisional jurisdiction after 1972 rests only with the Land Commissioner under section 82 in respect of order under section 12. While section 78 dealing with the appellate power of Land Tribunal does not refer to an order under section 12. Therefore it is clear that no appeal lay to the Land Tribunal against an order under section 12 and only a revision lies to the Land Commissioner under section 82 as at present. The only remedy open to the petitioner against the order under section 12 to go before the Land Commissioner by filing a revision petition. In this view, the order of the Land Tribunal has to be sustained. The revision petition is therefore dismissed. No costs.

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

/True copy/