

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday, the third day of November, one thousand
nine hundred and seventy-eight

Present: Hon'ble Mr. Justice Paul

Civil Revision Petition No. 2140 of 1978

1. Thuvavi Kandasami

2. R. Gopalakrishnan

.. Petitions (Petitioners)

Vs.

1. Authorised Officer (L. Ref.)
Cuddalore

2. Chinnamuthukrishnan Reddiar,
Trustee, Konda Reddiar
Kattalai, Chidambaram.

3. G. Ramalingam

.. Respondents (Respondents)

Petition under Section 83 of the Land Reforms Act 58/61 as amended by Act 37/72 (Land Ceiling Act) praying the High Court to revise the order of the Court of the Subordinate Judge (Land Tribunal), Cuddalore, dated 14th October 1977 and made in LTCMA No. 30/77 (MR.1.13 dated 22nd February 1977), the Authorised Officer (Land Reforms), Cuddalore.

This petition coming on for orders as to admission on this day upon hearing the arguments of Mr. L.T. Rammohan, Advocate for the petitioner, the Court delivered the following order:-

This revision is sought to be preferred against the order of the learned Principal Subordinate Judge, Cuddalore (Land Tribunal) confirming the order passed by the Authorised Officer, Cuddalore holding that under Section 5(d) of Tamil Nadu Act 58 of 1961 as amended by Act 37/72 the revision petitioner trust could only hold 5 standard acres of lands.

The trust known as Konda Reddiar Annadhana Trust held an extent of 14.90 acres of lands. The aforesaid Trust was created by a trust deed of the year 1959 and under that document, trustees were appointed to carry out the objects of the trust. The Authorised Officer initiated proceedings under Act 58/61 as amended by Act 37/72 and passed an order under Section 9(2)(b)

of the Act holding that the Trust which was a public Trust of charitable nature, was entitled to hold, under Section 5(d) of the Act, only an extent of five standard acres and declared that the trust was holding a surplus extent of 9.90 acres. Against that order, the revision petitioner preferred an appeal before the Principal Subordinate Judge and Land Tribunal. The learned Subordinate Judge also considered the question as to whether the trust in question was of religious nature. The tribunal found that the trust was purely a secular one of Charitable in character and as such, the provisions of the Act was attracted.

The learned Land Tribunal has extracted the relevant recitals in the Trust deed in which, under clause 7, it is stated that the Managing Trustee should every year hand over to the executive officer of the Dharmasalai 130 bags of paddy and the executive officer should cook every day at midday $2\frac{1}{2}$ Madras measures of rice and in the night $2\frac{1}{2}$ Madras measure of rice and should distribute the same at the rate of one measure for seven persons and feed 48 persons. The Land Tribunal has pointed that a reading of the Trust deed would show that the object of the Trust was only secular in character, that the Author of the Trust intended only to do charity by feeding poor persons, that there is no provision in the Trust deed to the effect what only Hindus or persons belonging to a particular sector community should be so feed and as such, there is no religious object incorporated in trust deed and that there was nothing in the trust deed which would show that the object of the Trust was religious in nature. I am in entire agreement with this view of the Learned Land Tribunal and I find that there are no grounds to admit the revision petition, for the order of the Land Tribunal as well as the order of the Authorised Officer are perfectly correct. The revision petition is not admitted, but is dismissed.

(Sd.) K.V. Ramachandran,

Assistant Registrar

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