

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday, the twentyfourth day of November.

One thousand nine hundred and seventy eight

PRESENT:

The Honourable Mr. Justice Ramanujam
Civil Revision Petition No. 2171 of 1976

N. Noor Mohammed Batcha	...	Petitioner
-Vs-		(Petitioner)
Tamil Nadu Government represented	...	Respondent
by the Collector of Thanjavur		(Respondent)

Petition under Section 83 of Land Reforms Act 1961 and Section 115 of C.P.C. praying the High Court to revise the order of the Court of the Land Tribunal (Sub-Judge), Mayuram, dated 30/4/1976 and made in L.T. C.M.A. No. 11 of 1976 MRI. 88/(N)/A6-Authorised Officer (L.R) Mayuram.

ORDER: This petition coming on for hearing/orders as to admission 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. Kumar Rajarathnam, Advocate for the petitioner and of Additional Government Pleader on behalf of the Respondent, the Court made the following:-

ORDER

The petitioner herein held an extent of 27.45 ordinary acres, equivalent to 22.27 standard acres till 30/9/1970. On 1/10/1970 he executed two settlement deeds in favour of his sister's daughters, settling 7.5 acres in favour of one and 7.16 acres in favour of the other. In the proceedings initiated under the Tamil Nadu Land Reforms Act, the Authorised Officer held that these two settlement deed are void and therefore the lands dealt with under the two settlement deeds should also be taken to the petitioner's holding for the purpose of the Act, as the transactions had taken place between 15/2/1970, the date of the commencement of the Act and 2/10/1970 the notified date. The petitioner challenged the inclusion of the lands settled under the two documents in favour of his sister's daughters,

in his holding, before the Land Tribunal. The Land Tribunal upheld the view taken by the Authorised Officer. This revision is directed against the said decision of the Land Tribunal.

Before me, the learned counsel for the petitioner contends that the settlement deeds have been executed by the petitioner in pursuance of an oral direction given by his father, that therefore these settlement deeds should be taken to be bonafide transactions and that if they are bonafide transactions they cannot be declared to be void under Section 22 of the Act, the learned counsel further contends that in any event these settlement deeds are protected by the provision in Section 21-A of the Act.

As per Section 21-A any transfer of land on account of natural and affection to any minor son, unmarried daughters, minor grandson or unmarried granddaughters in the male line is valid. That section does not entitle any person to settle his properties in favour of his sister's daughters. Therefore, the two settlement deeds cannot have protection of the said section 21-A.

On the question whether the transactions were bonafide, the Authorised Officer has held that the settlement deeds have been executed by the petitioner with a view to reduce his holding, ~~10.96~~ with a view to defeat the provisions of the Act and therefore they should be declared to be void. Having regard to the circumstances of the case, when the settlements came to be affected just a day prior to the notified date, it can be inferred that the object of executing the settlement deeds was to reduce the petitioner's holdings.

I do not, therefore, see any error in the order of the Authorised Officer as well as of the Tribunal. The Civil Revision petition is therefore dismissed. There will, however, be no order as to costs.

Sd/- K. V. Ramachandran
Assistant Registrar.