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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday, the 23rd day of December One thousand nine hundred and seventy seven

PRESENT

The Honourable Mr. Justice Ismail
Civil Revision Petition No.2705 of 1977

K. Marappa Gounder .. Petitioner (2nd Respondent)

1. K. Rasalingam
2. The Authorised Officer (Land Reforms), Thiruchirapalli. .. Respondents (Petitioner and first Respondent)

Petition under Section 83 of Tamil Nadu Act 58 of 1961 read with Section 115 of Act V of 1908 praying the High Court to revise the order of the Court of the Land Tribunal (Principal Subordinate Judge), Tiruchirapalli, dated 30th June 1977 and made in L.T.C.M.A.No.14/76 (MR II 16R/CTR 23/74, Authorised Officer (Land Reforms), Tiruchirapalli.

ORDER:

This petition coming on for orders as to admission on this day, upon perusing the petition, the orders of the Courts below, and upon hearing the arguments of Mr. V. Srinivasan, Advocate for the petitioner, the Court made the following order:

The petitioner questions the application of clause (b) of Explanation IV to Section 3(40) of the Tamil Nadu Land Reforms Act, 1961 to the case in question, Clause(b) of Explanation IV to section 3(40) states:

"In any area in State, except the transferree territory, one acre of dry land irrigated by lifting water from any government source of irrigation shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs.4/- and above but below Rs.6/- per acre".

Learned Counsel for the petitioner countends that in this case the Co-operative Society lifts the water from the Government source and thereafter the petitioner's land get the water from direct flow and therefore clause(a) of explanation IV alone will apply and not clause(b) and Explanation IV. However, the fact

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contended by the learned counsel for the petitioner now has not been found by any of the authorities below. In view of this, there is no justification for entertaining this contention for the first time in revision. Hence the revision petition is dismissed.

(Sd.) G.R. Gopalakrishnan,
Assistant Registrar (AS).

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