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

PRESENT:

The Honourable Mr. Justice M.M. Ismail
Civil Revision Petition No.3557 of 1976.

R. Shanmugarajan .. Petitioner (Appellant)
Vs.

The Authorised Officer (Land Reforms), Respondent (Respondent)
Tirunelveli

Petition under Section 83 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 58/61 praying the High Court to revise the order of the Land Tribunal (Principal Subordinate Judge), dated 25th October 1976 and made in C.M.A. (LT) No.7 of 1975 (MRI/73/3/AMB/ on the file of the Authorised Officer, Land Reforms, Tirunelveli.

ORDER:

This petition coming on for 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. K. Sundaram for M/s. Aliyar and Dolia A.L. Zomayaji and Susam Joseph for the petitioner and of the Additional Government Pleader on behalf of the Respondent the court made the following order:--

This is a petition to revise the order, dated 25th day of October, 1976 in C.M.A. (LT) No.7 of 1975. The petitioner herein contended before the Tribunal that he had transferred certain extent of land under unregistered agreements in favour of his mother and two sisters on 25th September 1969 and that therefore the extent of land covered by those documents must be excluded for the purpose of fixing the ceiling of the petitioner. The Tribunal found that the transfer of title in immovable property could not be effected by means of unregistered documents and that therefore no transfer had taken place actually. The Tribunal accordingly held that the petitioner's request could not be acceded to. The petitioner produced kist receipt for the purpose of showing that it was the transferees who were paying

the kist. Very rightly the Tribunal declined to place any reliance on the kist receipts, because so long as there was no valid and effective transfer of property by means of a registered documents, the mere production of kist receipts would not prove transfer of title. Hence, there is no merit whatever in this revision petition and it is accordingly dismissed. There will no orders as to costs.

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

/True copy/