

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Appellate Jurisdiction)

Wednesday, the Twelfth day of July
One Thousand Nine Hundred and Seventy-Eight

PRESENT:

The Honourable Mr. Justice ISMAIL

and

The Honourable Mr. Justice NAINAR SUNDARAM

Writ Appeal Nos. 129 to 135/76

- | | |
|--------------------|---|
| 1. Vadivel Servai | .. Appellant in W.A. No. 129 of 1976 (Petitioner in W.P. No. 1500 of 1976 on the file of the High Court). |
| 2. Jaganathan | .. Appellant in W.A. No. 130/76 (Petitioner in W.P. No. 1501/76 on the file of the High Court) |
| 3. Vengatachalam | .. Appellant in W.A. No. 131/76 (Petitioner in W.P. No. 1502/76 on the file of the High Court) |
| 4. M. Saravanan | .. Appellant in W.A. No. 132/76 (Petitioner in W.P. No. 1503/76 on the file of the High Court) |
| 5. Rama Padayachi | .. Appellant in W.A. No. 133/76 (Petitioner in W.P. No. 1504/76 on the file of the High Court) |
| 6. S. Sambandam | .. Appellant in W.A. No. 134/76 (Petitioner in W.P. No. 1505/76 on the file of the High Court) |
| 7. P. Govindarajan | .. Appellant in W.A. No. 135/76 (Petitioner in W.P. No. 1506/76 on the file of the High Court) |

versus

- | | |
|---|--|
| 1. The Land Commissioner,
Board of Revenue (Land
Reforms),
Chepauk, Madras-5 | .. Rept. 1 to 3 in all the W.As.
(Respondents 1 to 3 in all
W.Ps.) |
| 2. The District Revenue Officer,
Thanjavur. | |

3. The Authorised Officer (Land Reforms), Thanjavur.	Rept. 1 to 3 in all the W.As. (Respondents 1 to 3 in all W.Ps.)
4. N. Krishnan	Respondents 4 to 6 in W.A. No.129/76 (Respondents 4 to 6 in W.P. No.1500/76)
5. Rupavathi Ammal	
6. K. Rangarajan	
4. K. Chandrasekaran	Respondents 4 to 7 in W.A. No.130/76 (Respondents 4 to 7 in W.P. No.1501/76)
5. P. Murugan	
6. V.S. Natarajan	
7. N. Kailasam	
4. K. Nagappan	Respondents 4 to 10 in W.A. No.131/76 (Respondents 4 to 10 in W.P. No.1502/76)
5. P. Pushbavalli	
6. N. Therasanathan	
7. R. Rathinam	
8. M. Kathamuthu	
9. M. Sundararajan	
10. V. Velu	
4. R. Kathamuthu	Respondents 4 to 8 in W.A. No.132/76 (Respondents 4 to 8 in W.P. No.1503/76)
5. S. Murugaiyan	
6. K. Velu	
7. S. Aramugam	
8. S. Muthusamy	Respondents 4 to 8 in W.A. No.133/76 (Respondents 4 to 8 in W.P. No.1504/76)
4. Subramanian	
5. C. Kohanaraju	
6. Ramasamy	
7. S. Srinivasan	Respondents 4 to 9 in W.A. No.134/76 (Respondents 4 to 9 in W.P. No.1505/76)
8. P. Govindasamy	
4. R. Subramanian	
5. Thangarasu	
6. A. Saibaba	
7. Govindaraj	Respondents 4 to 10 in W.A. No.135/76 (Respondents 4 to 10 in W.P. No.1506/76)
8. Akbar Shariff	
9. V. Vanapathy	
4. S. Ramasamy	
5. S. Natarajan	Respondents 4 to 10 in W.A. No.135/76 (Respondents 4 to 10 in W.P. No.1506/76)
6. C. Ramasamy	
7. V. Packirisamy	
8. N. Raju	
9. M. Subramanian	
10. M. Chinnaiyan	

Appeals under clause 15 of the letters patent against the orders of the Honourable Mr. Justice Mohan dated 14th April 1976 and made in the exercise of the Special Original Jurisdiction of the High Court in Writ Petition Nos.1500 to 1506 of 1976 respectively presented under Article 826 of the Constitution of India to issue Writs of Certiorari calling for the records of the first respondent in code of the petitions and comprised in Board's Revision Petition Nos.133, 145, 145, 129, 137, 142 and 140 of 1974 respectively, dated 4th March 1976 of the second respondent in each of the petitions in Rc. Nos.7361/74/39 dated 13th May 1974, J9/82101/73 dated 30th April 1974, J9/82191/73 dated 30th April 1974 respectively, and of the third respondent in each of the petitioners and comprised in MR.IV 253 NGT A.10 dated 12th November 1973 in so far as the petitioner in each of the petitions is concerned, and quash the order of the respondents 1 to 3 in each of the petition dated 4th May 1976, 13th May 1976, 30th April 1974 and 12th November 1973 respectively.

ORDER:

These writ appeals coming on for hearing on this day upon perusing the grounds of appeals the orders of the Honourable Mr. Justice Mohan, dated 14th April 1976 and made in exercise of the Special Original Jurisdiction of the High Court in Writ Petitions Nos.1500 to 1506 of 1976 and the counter affidavit file and all other papers material to these cases and upon hearing the arguments of Mr. D. Raju, Advocate for the Appellant in all the appeals and of the Additional Government Pleader on behalf of respondents 1 to 3 in all these petitions and of Mr. R. Ganesan, Advocate for the 6th respondent in W.A. No.134/76 and steps not have been taken to serve respondent 4 to 9 in W.As. Nos.131 and 134 of 1976 and the 4th respondent in W.A. No.133/76 and the 9th respondent in W.A. No.135/76 and the other respondents not appearing in person or by advocate, the Court made the following order:--

(The judgment of the Court was delivered by
Mr. Justice ISMAIL, J.)

These are appeals against the orders of Mohan, J., dated 14th April 1976 dismissing Writ Petition Nos.1499 to 1506 of 1976 preferred by the appellants herein. The appellants in the Writ Petitions prayed for the issue of Writs of Certiorari to call for

the records of the respondent herein and to quash their orders objecting their applications for the assignment of surplus lands under the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The learned Judge dismissed the writ petitions upholding the orders of the respondents herein on several grounds. For our purpose, it is unnecessary to traverse all the grounds dealt with by the learned Judge, since the writ appeals have to fail on a very short grounds. One of the grounds on which the applications for assignment made by the appellants herein were dismissed, was that those applications were belated. Rule 4 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, obliges the Authorised Officer to invite the applications for the assignment of surplus lands and in the manner indicated in that rule. Form 'B' actually provides for the Authorised Officer fixing a date within which the applications called for, were to be received.

There is no dispute that the Authorised Officer published a notice as provided for under Rule 4 read with Form 'B'.

Rule (1) states that:

"As soon as may be after the expiry of the time allowed for the presentation of applications for the assignment of surplus land, the Authorised Officer shall prepare a list of all the applications received. Thus it is clear that the statutory rules compel the Authorised Officer to fix a last date for receipt of applications for assignment of surplus lands. In this particular case, admittedly the appellants herein did not file their applications within the time mentioned in the notice in Form 'B' published by the Authorised Officer. Consequently, the respondents herein were justified in rejecting the applications on that ground. Hence, it is unnecessary to consider the other grounds on which the applications were rejected.

The writ appeals are dismissed, there will be no order as to costs".

(SD.) C.S. GOPALAKRISHNAN, 20.7.78
Assistant Registrar (A.S.)

/True copy/