

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday the Twenty-seventh day of September

One Thousand Nine Hundred and Seventy Four

PRESENT

The Honourable Mr. Justice RAMAPRASADA RAO

Civil Revision Petition Nos. 2038, 2039 of 1973

R. Vasudeva Naidu .. Petitioner in C.R.P. No. 2038 of 1973 (Appellant)
 Rajagopal Naidu .. Petitioner in C.R.P. No. 2039 of 1973 (Appellant)

Vs.

The Authorised Officer (L.R.),
 Kancheepuram Respondent in both the petitions
 (Respondent).

Petitions under Section 83 of the Madras Land Reforms (Fixation of Ceiling on Land) Act 58 of 1961 praying the High Court to revise the order of the Land Tribunal (Court of Subordinate Judge), Chingleput dated 5th April 1973 and made in C.M.A. Nos. 82 and 83 of 1972 respectively (V. 21 P.N.I. MRI. and R. 11 P.N.I.M.R.I. dated 13th October 1972 Authorised Officer (L.R.), Kancheepuram respectively.

ORDER:

These petitions coming on for hearing upon perusing the petitions, the orders of the lower courts and the record in the cases and upon hearing the arguments of Mr. T. C. Govindaswami, Advocate for the petitioner in each of the petitions and Mr. V. Manivannan, Additional Government Pleader No. II on behalf of the Respondent in both the petitions, the Court made the following order:

The Authorised Officer as well as the appellate Tribunal found as a fact that there is no acceptable evidence regarding the transfer of the property by the landowner, either before the commencement of the ceiling Act or during the relevant period during which he could make bonafide or genuine transfers. This is a question of fact.

As a matter of fact, the learned counsel for the petitioners says that the landlord's case is that he made oral sales or executed unregistered settlement deeds over a portion of his holdings. Such method of proving bonafide transfers ought to be discouraged; and in fact, cannot be relied upon also. In these circumstances, the Courts below rightly held that the so-called alienations made by the petitioners-landlords cannot be accepted and the subject matter of the alienations also should be included as his holdings. There being no error in the orders of the Courts below, this Civil Revision Petition is dismissed. There will be no orders as to costs.

(Sd.) R.N. SHANMUGHAM,
10-10-1974
Assistant Registrar (A.S.)

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