

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Monday, the Sixth day of November
One Thousand Nine Hundred and Seventy Eight

PRESENT

The Honourable Mr. JUSTICE SATHIDEV

Writ Petition No. 2872 of 1972

S. Somasundara Moopnar	..	Petitioner
Vs.		
1. The Land Commissioner Board of Revenue (Land Reforms)		
2. The District Revenue Officer Thanjavur		Respondent
3. V. Pandurangam (Deceased)		
4. Ammuni		

Ammuni brought on record as on Land Reforms of the deceased (3rd) Respondent as per order of the Court dated 20th November 1973 in W.M.P. 6267 of 1973.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a Writ of Certiorari calling for the records of the first respondent in R.P. 4 of 1972 and quash the order of the first respondent therein dated 23rd August 1972.

ORDER: This Writ Petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof the order of the High Court dated 4th November 1972 and made herein, and the counter affidavits filed herein and the records relating to the order in R.P. 4 of 1972 dated 23rd August 1972 on the file of the first respondent comprised in the return of respondent of the Writ made by the High Court and upon hearing the arguments of Mr. S. Balasubramanian, and R. Nagarajan, Advocates for the petitioner and of Mr. C. Chinnasami for Government Pleader for the

Respondent Nos. 1 and 2 and respondent No. 4 not appearing in person or by Advocate, the Court made the following order:—

The extent involved in the Writ Petition is 0.64 cents in R.S. No. 283/1 of Sarukkai Village, which had been declared as surplus lands and taken possession of by Government on 12th April 1966. Assignment proposals were taken up and initially the second respondent assigned the lands in favour of the third respondent herein. Being aggrieved with that order the petitioner herein filed an appeal to the Land Commissioner matter by order dated 10th March 1970 for fresh enquiry and disposal. The Authorised Officer by order dated 25th September 1970 held in favour of the petitioner. But being aggrieved with the same the 3rd respondent.

Therefore, under the circumstances, it has to be taken that the authorities had taken into account the available material records and concluded that the claim made by the petitioner herein that he has been cultivating tenant on 6th April 1960, cannot be believed because the land holder had himself made a claim that there was 'Pannai' cultivation to which there had been sufficient materials to act upon such a representation. Therefore, I do not think that merely because in the order a specific reference had not been made to the adangals, the matter should again be re-opened at this distance of time. Therefore, this Writ Petition is dismissed. However, there will be no order as to costs.

K.P. MADHAVAN,
Assistant Registrar (P)

(True copy)