

Copy of

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

Wednesday the fifteenth day of February,
One thousand nine hundred and seventy eight.

PRESENT:

The Honourable Mr. Justice Ramanujam

Writ Petition No. 3389 of 1973

Sri Agora Sastrigal Trust
by hereditary Trustee
M. Sellammal Ammal

.. Petitioner

Vs

1. The Authorised Officer,
Land Reforms, Mayuram.

2. The State of Tamil Nadu
by the Collector of Thanjavur

.. Respondents

Petitioner under article 226 of the Constitution of India, praying that in the circumstances stated herein, and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Prohibition, the respondents from taking any proceedings in respect of the land owned by the Petitioner-Institution (Viz. The Agora Sastrigal Charities, Mayuram under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 58 of 1961 as amended by Madras Act 37 of 1972 in pursuance of Memo. Fl/130/730-A3, dated 26-4-1973, issued by the Authorised Officer, Land Reforms, Mayuram and to pass such further order:

ORDER:

This Writ Petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support therefor the order of the High Court, dated 21-6-1973 and made herein, and the Counter and Reply Affidavits filed herein and the records relevant to the prayer aforesaid comprised in the return of the respondent to the Writ made by the High Court, and upon hearing the arguments of Mr. T. Rangaswamy Iyengar, Advocate, for the Petitioner and of Mr. S. Rajaram for the Government Pleader, Advocate for the respondent, the Court made the following order:-

The petitioner which is a trust, has challenged the validity of the provisions of the Tamil Nadu Land Reforms (FCL) Act 1961 as amended by Tamil Nadu Act 37 of 1972. The validity of the Act, can no longer be challenged in view of the decision of the Supreme Court reported in Godavari Sugar Mills Limited, V.S.B. Kamble (1975-II SCNR-1) Hence, the petitioner's challenge to the validity cannot be upheld. The Writ Petition has, therefore, to be dismissed. Learned counsel for the petitioner however points out the dismissal of the Writ Petition cannot stand in the way of the petitioner seeking exemption from the provisions of the Act under Section 5 of the said Act, as amended, before the Authorised Officer. It appears that the petitioner has already filed an application for exemption under provisions of the Act and the said application is pending consideration by the Authorised Officer. It is made clear that the dismissal of the Writ Petition will not preclude the petitioner from agitating the matter, relating to exemption on merits. The Writ Petition is accordingly dismissed, there will be no order as to costs.

(Sd.) S. Jayaraman,
Assistant Registrar,
11-5-1978.

/True copy/