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

Wednesday, the Eighteenth day of January
One Thousand and Nine-hundred and seventy-eight

PRESENT

The Honourable Mr. Justice MOHAN

Writ Petition No.4855 of 1975

L. C. Manickam

.. Petitioner

Vs.

1. Land Commissioner, Board of Revenue (Land Reforms).
2. Authorised Officer (Land Reforms), Tiruchirapalli at Pudukottai.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated therein in the affidavit filed with W.P. No.4855 of 1975 on the file of the High Court, the High Court will be pleased to issue a writ of certiorari calling for the records in proceedings of the 1st respondent B.Ds.R.P. No.246 and 247/75 (Land Reforms), dated 19th May 1975.

ORDER:

This writ petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support of W. P. No.4855 of 1975 on the file of the High Court the order of the High Court dated 24th July 1975 and made herein and the counter affidavit filed herein and the records relating to the order in B.D's. R.P.F2 No.246 and 247 of 1975 (Land Reforms) dated 19th May 1975 on the file of the 1st respondent comprised in the return of the respondents to the writ made by the High Court, and upon hearing the arguments of Mr. E.R. Krishnan, Advocate for the

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petitioner and of Mr. N.R. Chandran for the Government Pleader for the respondents, and having stood over for consideration till this day, the Court made the following order:—

In spite of the admitted service of notice, the petitioner did not appear for enquiry on 16th September 1972. Hence orders were passed under Section 9(2)(b) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, determining the total holdings of the land-owner as 58-06 ordinary acres, equivalent to 22-308 standard acres by the Authorised Officer (Land Reforms), Tiruchirapalli by his order dated 11th October 1972. Another notice directing him to specify the lands to be retained by him and the lands which could be declared as surplus was served on 27th October 1972. Even then the petitioner did not respond. Therefore a draft statement under section 10(1) of the Act was published. The notice in Form 7 was served on 29th November 1972. No objections were filed to the draft statement. The final statement under section 12 of the Act was prepared and published in the Gazette on 25th April 1973 and copies thereof were served on the petitioner on 8th May 1973. The surplus lands were taken possession of on 10th May 1973. At this stage, the land owner filed a revision petition before the Land Commissioner, Madras (first respondent). On a detailed consideration of the merits, the Land Commissioner dismissed the revision petition on 19th May 1975. Aggrieved by that, the petitioner has preferred this writ petition.

The only contention urged by the Learned Counsel for the petitioner is that it is not correct to hold that the petitioner is the owner of an extent of 58-06 ordinary acres when he was found to own only one-fourth share. Concerning this, the petitioner ought have agitated before the authority concerned. At no point of time, he put forward this contention. The fact that he raised such an objection before the Board of Revenue (the revisional authority) is of no significance because the order is to revise the proceedings before the Authorised Officer. If before the Authorised Officer no materials were placed to substantiate this contention, the petitioner has to blame himself for his lapses.

Hence this writ petition is dismissed. There will be no order as to costs.

(Sd.) K.P. MADHAVAN,
Assistant Registrar (P)

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