

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

Monday, the thirteenth day of March,
One thousand nine hundred and seventy eight.

PRESENT

The Honourable Mr. Justice Mohan

Writ Petition No. 7221 of 1975 and 443 of 1976.

S. Veerana Pillai

.. Petitioner in both the
Writ Petitions.

Vs.

1. Land Commissioner, Board of
Revenue (Land Reforms)

.. Respondents in both
the W.Ps.

2. Authorised Officer (Land
Reforms), Madurai.

3. Chellamani

Petitions under Article 226 of the Constitution of India, praying that in the circumstances stated therein and in the respective affidavits filed therewith, the High Court will be pleased to issue (i) Writ of Certiorari calling for the records from the Land Commissioner (Land Reforms), Board of Revenue, Chepauk, Madras, the 1st respondent herein in his proceedings Board's F3/R.P. 100/74, dated 6th September 1975 and quash the same (Writ Petition 7221/75) and (2) Writ of Mandamus calling for the entire records from the Land Commissioner (Land Reforms) Board of Revenue, Chepauk, Madras-5 the 1st respondent herein directing him to assign lands to the extent of 2.30 acres to the petitioner herein in Survey Numbers 152/1, 152/3 and 155/1 assigned under order, dated 6th September 1975 on the file of the Land Commissioner, Board of Revenue (Land Reforms), Chepauk, Madras-5 to the 3rd respondent herein in Veppadappu Village, Melur Taluk, Madurai District (Writ Petition No.443/76) respectively:

ORDER:

These writ petition coming on for hearing on this day upon perusing the petitions and the respective affidavits filed in support thereof, the order of the High Court, dated 2nd December 1975 and 26th February 1976 respectively and made herein and the records relating to the order in Board's F3/R.P.100/74, dated 6th September 1975 in Writ Petition No.7221/75 and the records

connected with the prayer in Writ Petition No.443/76 on the file of the Respondents 1 and 2 in both comprised in the return of the Respondents 1. and 2 in both to the Writ made by the High Court and upon hearing the arguments of Mr. C.D. Sekkizhar, Advocate, for the petitioner in both the petitions and of Mr. C. Chinnasami, for Government Pleader on behalf of the Respondents 1 and 2 in both and of Mr. M. Doraisami, Advocate for the Respondents No.3 in both the Writ Petitions, the court made the following order:--

Against the impugned order of the Land Commissioner a revision lies under Section 11(4) of the Madras Land Reforms (Disposal of Surplus Land) Rules, 1965 to the Government. Without exhausting that remedy, these writ petitions cannot be maintained.

Hence the Writ Petitions abate in view of Section 58(2) of the 42nd Amendment of the Constitution of India. The time taken during the pendency of the Writ Petitions will stand excluded for computation of limitation in filing the revision petitions.

(Sd.) S. Jayaraman,
Assistant Registrar (CS).
3-5-78

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