

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.R.P (PD) No.1950 of 2003

The Assistant Commissioner
(Land Reforms)
Villupuram

... Revision Petitioner

Vs.

1. The District Revenue Officer
(Land Tribunal)
Chennai - 600 005

2. S.Sankaran
Veeraperumanallur Village & Post
Anathur (Via)
Panruti Taluk
Cuddalore District

... Respondents

Civil Revision Petition filed under Section 83 of the Tamil Nadu Land Reforms Special Appellate Tribunal Rules against the judgment dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000 on the file of the District Revenue Officer (Land Tribunal), Chennai - 5.

For Petitioner : Mr.S.Sivashanmugam
Spl.Govt. Pleader

For Respondents : Mr.N.Jothi
for Mr.M.C.Govindan for R2

Respondent 1 : Tribunal

WEB COPY
ORDER

This memorandum of Civil Revision has been directed under Section 83 of the Tamil Naud Land Reforms (Fixation of Ceiling on Land), Act, 1961 as amended before the Tamil Nadu Land Reforms Special Appellate Tribunal, Chennai-4 against the judgment dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000 on the file of the District Revenue Officer (Land Tribunal, Chennai-5).

2. Originally this revision petition was preferred before the Tamil Nadu Land Reforms Special Appellate Tribunal, Chennai in terms of Section 83 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land), Act, 1961. By virtue of the later amendment affected in the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) amendment and special provision Act, 2003 (Tamil Nadu Act 26 of 2003), the civil revision petition which was presented before the Special Appellate Tribunal stood transferred to the file of this Court.

3. The revision petitioner is the Assistant Commissioner (Land Reforms), Villupuram. The first respondent herein is the District Revenue Officer, (Land Tribunal), Chennai-600005, whose judgment dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000, has been challenged by the revision petitioner in this revision.

4. The second respondent herein claims to be the owner of the land in question. In exercising the powers vested under Sub-Rule (8) of Rule 29 of the Tamil Nadu Land Reforms (Special Appellate Tribunal) Rules, 1990, the Principal Commissioner and Commissioner of Land Reforms, Chepauk, Chennai-5, through his proceedings dated 30.04.2001 and made in Proc.No.H1/9131/2000 (L.Ref) had authorized the revision petitioner herein viz., the Assistant Commissioner (Land Reforms), Villupuram to file this revision petition under Section 83 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended before the Tamil Nadu Land Reforms Special Appellate Tribunal, Chennai-4.

5. Heard Mr.S.Sivashanmugam, learned Special Government Pleader (CS) and Mr.N.Jothi, assisted by Mr.M.C.Govindan for the second respondent. First respondent is the Tribunal.

6. As per the case of the revision petitioner, one Tmt.Sundarambal Ammal, w/o.Sambasiva Reddiar of Cuddalore District was a person attracted by the provisions of the Act. She had mortgaged the land measuring 15.53 acres in favour of Thiru.Ramasamy Reddiar for a consideration of Rs.5,000/- for a period of ten years under a registered mortgage deed bearing No.343/70 dated 28.03.1970. Under the terms of the above mortgage deed, the lands covered by the document would be taken back by the mortgagor from the mortgagee after the expiry of 10 years. It is revealed that the Deed of Usufructory Mortgage was executed on 04.12.1969. The lands covered by the above said document was included in the holdings of the land owner (Sundarambal Ammal) and an order under Section 9(2)(b) of the Act was passed by the revision petitioner on 29.01.1976.

7. Having been aggrieved by the said order, Sundarambal Ammal had filed an appeal in C.M.A.No.43 of 1976 on the file of the Land Tribunal, Cuddalore and the Land Tribunal, Cuddalore.

That appeal was allowed on 03.08.1976 after setting aside the order impugned. However, the matter was remitted back to the file of the revision petitioner with a direction to dispose the matter afresh after due enquiry and in accordance with law.

8. In pursuant to the direction of the land Tribunal, Cuddalore, fresh enquiry was conducted by the revision petitioner after issuing a notice of enquiry dated 26.11.1976 to both mortgagee and mortgagor.

9. During the course of enquiry, the mortgagee Ramasamy Reddiar had stated that the lands covered by the above said documents are under his enjoyment. However, on 14.03.1980, he had given another statement in which he had stated that he was enjoying the lands to an extent of 13.03 acres in Paravanandal Village and that he did not enjoy the lands to an extent of 2.50 acres, which is situated in Veeraperumanallur Village. It was admitted by Sundarambal ammal, during the course of enquiry on 04.07.1980. Therefore, the lands covered by the above said documents were included in the holdings of Sundarambal Ammal and therefore, an order was passed by the revision petitioner on 28.11.1990 under Section 9(2) (b) of the Act.

10. In pursuant to the above said order, a draft statement under Section 10(1) of the Act was published in the Government Gazette dated 17.07.1991 proposing to declare an extent of 14.27 ordinary acres equivalent to 8.11 standard acres as surplus. A published copy was also sent to the land owner through registered post on 19.09.1991 and this was also acknowledged by the land owner on 30.09.1991.

11. The second respondent herein claims to be the son of Sundarambal ammal and therefore, he had filed an objection petition under Section 10(5) of the Act before the revision petitioner on 19.10.1991. The revision petitioner had passed an order under Section 10(5) of the Act on 02.02.2000.

12. Aggrieved by the orders of the revision petitioner, the second respondent S.Sankaran had preferred an appeal before the Tribunal in L.T.C.M.A.No.3 of 2000 and the same was allowed on 23.10.2000 after setting aside the order of the revision petitioner. The revision petitioner herein being the Assistant Commissioner of Land Reforms, Villupuram, has filed the present revision in view of the authorization issued by the Principal Commissioner of Land Reforms, Chepauk, Chennai in his proceedings dated 30.04.2001.

13. The second respondent herein viz., S.Sankaran has contended that his maternal grandfather one Muthurama Reddiar was owning his ancestral properties of lands both Nanja and Punja lands in the villages of Veeraperumanallur, Mettathur and

Paravanandal. He had passed away in the year 1919 leaving behind his wife Kokilambal ammal and his daughter Sundarambal ammal (mother of the second respondent Sanakaran) and a son by name Muthuchandrasekar, who was in the womb at the time of death of Muthurama Reddiar.

14. The second respondent has further contended that since Muthurama Reddiar had died intestate in the year 1919, the ancestral properties, which he was owning, had devolved on his son Muthuchandrasekar. Muthuchandrasekar had passed away in the year 1932 when he was minor and on his death the properties had devolved on his mother Kokilambal ammal, being the Class I heir of Muthuchandrasekar. He has also contended that while Kokilambal ammal was in sound and disposing state of mind, had executed an unregistered Will on 11.08.1954 in his favour (second respondent S.Sankaran) bequeathing the properties comprised in various survey numbers situated in Veeraperumanallur Village and Paravanandal Village measuring 19.21 acres. Since he was minor at the time of execution of the Will, Sundarambal ammal, had been maintaining the property on his behalf in the capacity of guardian and mother.

15. The testator of the Will Kokilambal Ammal had passed away on 07.08.1956 and on her death, the Will came into effect and the second respondent became the absolute owner of the properties. According to the second respondent, the mortgagee was put in possession of the land and still he has been in possession and enjoyment of the same. Under law the said mortgage can be redeemed on or before 04.12.2009 i.e., 30 years from the expiry of the mortgage period mentioned in the deed.

16. The second respondent has further contended that the Assistant Commissioner (Land Reforms) Villupuram had initiated proceedings under TNLR (RCL) Act, 1970 in respect of the lands belonging to him in the name of wrong person viz., Sundarambal ammal on the assumption that she is the person attracted by the provisions of the Act. He would further contend that though Sundarambal ammal, is his mother, she is only Class II heir of Muthuchandrasekar in law and therefore, she could not have derived any property on the death of Muthuchandrasekar and it is only Class I heir, viz., Kokilambal ammal, who is his grandmother, had derived title, right and interest over the properties and therefore she had executed a Will in his favour.

17. It is also his contention that the Will came into effect on 07.08.1956, the date of death of the testor Kokilambal Ammal (grandmother). Therefore, the properties became his absolute properties on and from the date when the Act came into effect on 15.02.1970 and therefore, the properties have to be determined in his name only and not in the name of Sundarambal Ammal.

18. Keeping in view of the above fact, according to him, the entire proceedings initiated in the name of wrong person without his notice could not be sustained as they are vitiated and hence, liable to be set aside.

19. Mr.Sivashanmugam, the special Government Pleader appearing for the revision petitioner has submitted that the revision filed by the revision petitioner viz., the Assistant Commissioner (Land Reforms) was still within the bounds of law and in pursuant to the authorization given by the Principal commissioner and the Commissioner of Land Reforms, Chepauk, he had filed the revision which could not be questioned either in law or on facts.

20. He would further submit that the judgment dated 23.10.2000, which is impugned in this revision was clearly suffered from illegality and infirmity and therefore liable to be set aside as not sustainable in law. The appellate authority in L.T.C.M.A.No.3 of 2000 did not have jurisdiction to pass such an order and further the appellate authority had therefore exceeded its jurisdiction in allowing the documents to be produced on behalf of the second respondent.

21. He has further adverted to that the second respondent herein, being the appellant, in L.T.C.M.A.No.3 of 2000 had miserably failed to establish the fact that he had taken possession of the bequeathed lands measuring 19.02 acres as per the unregistered Will. He has added further that the genuineness of the Will had not been gone into nor it was even pleaded that the revenue records had been challenged by making appropriate entries in the name of the second respondent reflecting his possession and enjoyment of the property covered under the Will. He has also contended that since the usufructory mortgage deed bearing Document No.343 of 1970 dated 28.03.1970 was a registered document, the land measuring 13.03 acres could very well be included in the holdings of the land owner.

22. He would further submit that even if the possession was handed over as a result of executing an usufructory mortgage, the right, title and interest of the land continued to be with the owner and therefore, the ownership was not extinguished as a result of execution of such a mortgage. Ultimately he has submitted that the findings of the Land Tribunal holding that the mortgaged land measuring 13.03 acres had to be excluded was therefore incorrect and contrary to the provisions of the Act. Finally he would submit that the Land Tribunal had overlooked the mandatory provisions contained in Section 73(VII) of the Act that for claiming exemption as a grove or Orchid, it must be in

existence as on 01.07.1959, instead no attempt had been made by the second respondent to prove the existence of the grove as on 01.07.1959 and therefore the findings of the Land Tribunal to this effect was contrary and therefore liable to be set aside.

23. Mr.N.Jothi, the learned counsel for the second respondent, has mainly attacked this revision on two grounds:

a) the competency of the revision petitioner; and b) on limitation.

GROUND No.1: The Competency of the revision petitioner:

24. It is obvious to note here that the Principal Commissioner and Commissioner of Land Reforms, Chepauk, Chennai-5 through his proceedings in Proc.No.H1/9131/2000 (L.Ref.) dated 30.04.2001, had authorized the revision petitioner [Assistant Commissioner (Land Reforms), Villupuram] to file the present revision petition under Section 83 of the Act. On a cursory perusal of the authorization proceedings dated 30.04.2001, it is revealed that the Principal Commissioner has stated that "I hereby authorise the Assistant Commissioner (Land Reforms), Villupuram to file Special Revision Petition under Section 83 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961."

25. Before we could approach the provisions of Section 83 of the Act as well as Rule 29(8) of the Tamil Nadu Reforms Special Appellate Tribunal Rules, 1990, this Court finds that the provisions of Section 3(5) also assume importance which is extracted as under:

"Section 3(5) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

"Section 3(5): "authorized officer" means any Gazetted Officer authorised by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, and authorised officer under this Act for such area as may be specified in the notification."

Sub-Section 17 of Section 3 defines the term "Government". According to Sub-section 17 of Section 3 of the Act, "Government" means the State Government.

26.Sub-section (8) of Section 29 of the Tamil Nadu Land Reforms (Special Appellate Tribunal) Rules is extracted hereunder:

"Whenever an application for revision under Section 83 is preferred by an officer authorised by the Government under the Act, an authenticated copy of the order of the Commissioner of Land Reforms directing him to prefer the application for revision shall be filed along with the application for revision."

27. According to Mr.N.Jothi, Rule 29(8) of Tamil Nadu Land

Reforms (Special Appellate Tribunal) Rules, 1990 makes a clear distinction between "an officer authorised" by the Government under the above rules and the "authorized officer" as defined in clear terms under Section 3(5) of the Act. Mr.N.Jothi has made a pragmatic approach to dissect the provisions of Section 29(8) of the Tamil Nadu Land Reforms (Special Appellate Tribunal) Rules, 1990 and Section 3(5) of the Act.

28. The authorised officer, as termed in Section 3(5) of the Act shall be any Gazetted Officer authorised by the Government by notification to exercise powers conferred on for such area as may be specified in the notification. The duties which are to be discharged shall be imposed on him.

29. In this connection, Mr.N.Jothi has submitted that Rule 29(8) of the Tamil Nadu Land Reforms (Special Appellate Tribunal) Rules, 1990 makes a clear distinction between the "Officer authorised by the Government" under the above rules and the term "authorised officer" as defined under Section 3(5) of the Act. According to him, the term "an authorised officer" by the Government as mentioned in the rules is entirely different from that of the term "authorized officer". He has also contended that the statute consciously makes a clear distinction between both the terms. When the term "Authorised Officer" (as envisaged under Section 3(5) of the Act) exercises the powers under the Act as a quasi-judicial authority, the officer authorised under Section 29(8) of the Rules acts merely on the notification of the Government and the direction of the Commissioner of Land who directs him to prefer the revision.

30. Thus, there are two distinct officers identified with different purpose under the Act and the Rules and he, therefore, has contended that the revision preferred by the authorised officer in terms of Rules 29(8) is bad in law.

31. He would further contend that the revision petitioner, being a basic level originating Quasi-Judicial Authority like the Authorised Officer, if allowed to agitate against the higher level quasi judicial authority like the appellate authority's order, it would only lead to an undesirable situation and will lead to insubordination and unending litigation. At any rate since the different terminology is being used, both the officers are definitely different and as such the revision petition preferred by the original quasi-judicial authority is incorrect and bad in law. He has continued that the quasi-judicial authority like the revision petitioner herein, who is the authorised officer within the meaning of the Act, who decides upon the rights of the parties, cannot be the person to prefer the revision. Since the revision petitioner is the Principal originating judicial authority, he could neither be an

aggrieved person nor a concerned person on the issue.

32. Mr.N.Jothi has also added that the term "Authorised Officer" as such used in Rule 29(8) of the Rules could only mean the officer of the Government and certainly not the Quasi-judicial Authority. While the authorised officer under Section 3 (5) of the Act should be a Gazetted Officer, the officer authorised under Rule 29(8) of the Act need not be so. The learned counsel has also contended that the very authorisation of the Principal Commissioner and Commissioner of Land Reforms dated 30.04.2001 to prefer the revision is not in terms of the rules prescribed for this purpose. Conclusively he would submit that the combined meaning of all the above terms could illustrate that an "Officer authorised" by the Government should be undoubtedly different from the "Authorised Officer".

33. According to Mr.N.Jothy, the revision petitioner herein, who is the Assistant Commissioner (Land Reforms), Villupuram could neither be an aggrieved person over the order of the Appellate Authority nor could he be directed to present the revision by the Commissioner even in the event of the Commissioner deciding to present the revision. It should have been done by somebody other than the original Quasi-judicial Authority before whom the originating proceedings went on.

34. On perusal of the records it is manifested that the Authorised Officer viz., the Assistant Commissioner (Land Reforms), villupuram had originally initiated proceedings as against the Sundarambal Ammal, who is none other than the mother of the second respondent herein under the provisions of TNLR (RCC) Act, 1960 in respect of the lands belongs to the second respondent herein on the assumption that she is the person attracted by the provisions of the Act.

35. Originally the revision petitioner herein, being the authorised officer and the Assistant Commissioner (Land Reforms), Villupuram had initiated the proceedings against Sundarambal Ammal and passed orders and thereby brought the land specified under the mortgage deed bearing Document No.343/70 dated 28.03.1970 to her holdings wrongly under Section 9(2)(b) of the Act on 29.01.1976. Thereafter, the said order was appealed by the Sundarambal Ammal before the Land Tribunal, Cuddalore and the said appeal in C.M.A.No.43 of 1976 was allowed on 03.08.1976. However, the matter was remitted back to the file of Assistant Commissioner with a direction to dispose the same afresh. Accordingly, a fresh enquiry was conducted by the revision petitioner himself. Ultimately, he had confirmed his earlier order dated 02.02.2000 and made in A2/MRI/64S/PAN/17.70 against which the second respondent had filed an appeal in L.T.C.M.A.No.3 of 2000 which was allowed on 23.10.2000.

Challenging the order dated 23.10.2000, the present revision has been filed by the revision petitioner, who is the original quasi-judicial authority.

36. In this connection, Mr.N.Jothi, has submitted that the revision petitioner himself, as the original Quasi-judicial Authority, namely the Assistant Commissioner (Land Reforms), had initiated the proceedings under the Act as against the Sundarambal Ammal of Veeraperumanallur Village, Panruti Taluk, Cuddalore District by applying the provisions of the Act. He had passed the order originally on 29.01.1976, as against which an appeal in C.M.A.No.43 of 1976 preferred by Smt.Sundarambal Ammal was allowed on 03.08.1976. However, the matter was remitted back for disposal. Thereafter, the original Land Reforms Authority, viz., the revision petitioner herein had confirmed the earlier order by his fresh order dated 28.11.1970.

37. On perusal of the judgment dated 23.10.2000 and made in appeal in L.T.C.M.A.No.3 of 2000, this Court is able to understand that the appellate authority (1st respondent) has held that the whole exercise made by the originating officer is fully vitiated by misdirection by initiating proceedings against wrong viz., Smt.Sundarambal Ammal.

38. The fact remains that the second respondent herein is the original owner of the land against whom no proceedings were initiated. This is an admitted fact on the side of the revision petitioner. It is also seen from the judgment of the Appellate Authority dated 23.10.2000 that the entire order of the original authority is totally set aside holding that the authorised officer has wrongly proceeded against the wrong person, namely Tmt.Sundarambal Ammal by considering her as the real owner of the property. The Appellate Authority had also correctly held that the second respondent alone is the owner of the land and as such the proceedings initiated against Sundarambal Ammal is absolutely incorrect since she had no title over the property at all.

39. The appellate authority viz., the District Revenue Officer (Land Tribunal), Chennai-5 had correctly considered the revenue records, Adangal extract, Kist receipt, will as well as the possession of the second respondent Sankaran to inherit the property. This Court also finds that the documents relating to title, possession etc., were scrutinised and analysed and accordingly, the Appellate Authority's judgment which was dealt with the relevant issues in proper perspective which does not require the interference of this Court exercising its revisional jurisdiction.

40. As submitted by Mr.N.Jothi, the revision petitioner, Assistant Commissioner (Land Reforms), being the original

authority, who had initiated the proceedings initially as against Sundarambal ammal has got no competency to challenge the judgment of the Appellate Authority dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000.

41. In support of his contention, Mr.Jothi has made reference to the decision of this Court in the Special Deputy Collector (Stamp), Cuddalore Vs. Chemicals and Plastics Ltd., represented by its Manager Lakshi Ragavan, 6, Prakasa Mudali St., 1st Lane, T.Nagar, Chennai - 17 reported in 2004 (1) CTC 187. In this case, a question relating to maintainability of revision petition by Original Authority, which passed the order was raised for the consideration of the Court. While answering this question, E.Padmanabhan.J., has held that the revision can be filed only by a person aggrieved and therefore, the revision was dismissed as not maintainable holding that original authority is not a person aggrieved.

42. On coming to the instant case on hand, the revision petitioner herein, who is the Assistant Commissioner (Land Reforms) Villupuram, is not really an aggrieved person. Parties alone, if really aggrieved can file revision. Since the revision petitioner, being Assistant Commissioner (Land Reforms), he cannot question of the order of the appellate authority as he is the Principal originating Judicial Authority and this Court would also place it on record that the revision petitioner, being Assistant Commissioner (Land Reforms), alone had passed the basic final order and therefore, he could neither be an aggrieved person or concerned person in issue. It can also be styled on the other way that the Authorised Officer who dealt with the proceedings initially cannot be termed to agitate on the issue as against the Appellate Authority., who is shown herein as the first respondent. Section 3(33) of the Act defines the term "Owner"

"33. "Owner" -

(a) means -

- i) (i) any person holding land in severally or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or
(ii) a land holder as defined in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act 1 of 1908) or a ryot as defined in that Act, or
(iii) an inamdar not being a landholder defined as aforesaid, and
- b) includes -
 - (i) full owner or limited owner, or
 - (ii) the lessee of any lease-hold village or his heirs, assignees, legal representatives or person deriving rights through him;

43. Insofar as this case is concerned, the second respondent S.Sankaran of Veeraperumanallur Village alone is the real owner of the land in terms of Section 3(33) of the Act. There is no contrary view or contrary evidence on the part of the revision petitioner to consider or presume that his mother Sundarambal Ammal is the real owner or mortgagee is the real owner.

44. The contention of the revision petitioner viz., the Assistant Commissioner (Land Reforms), Villupuram that Sundarambal Ammal who is the mother of the second respondent was the real owner of the property is incorrect and not sustainable either on facts or on law. While admitting the fact that Kokilambal Ammal, who is the mother of the Sundarambal Ammal had left a Will in which an extent of 19.02 acres of land was settled in favour of minor son Sankaran (Second respondent herein), it is not correct to say that the Sundarambal Ammal, being the land owner, was maintaining the land in favour of minor grandson Sankaran. It is also not correct to say that Sundarambal Ammal was maintaining the land as owner in the capacity of Guardian and mother of the second respondent. It can also not be said that Sundarambal Ammal, who is the mother of the second respondent, was limited owner as envisaged under Section 3 (33) of the Act.

45. What is the real fact is one Muthurama Reddiar, who is the maternal grandfather of the second respondent Sankaran was owning ancestral properties including both Nanja and Punja lands in the villages of Veeraperumanallur, Paravanandal and Mettathur Villages. He had passed away in the year 1919 leaving behind his wife Kokilambal Ammal. Muthurama Reddiar and Kokilambal Ammal had one daughter and one son by name Sundarambal Ammal and Muthuchandrasekar. Muthuchandrasekar was in the womb. Since Muthurama Reddiar had died intestate in the year 1919, his ancestral properties had devolved on his son Muthuchandrasekar and the said Muthuchandrasekar had died in the year 1932 when he was a minor and on his death the properties devolved on his mother, namely Kokilambal Ammal, being Class I heir of Muthuchandrasekar.

46. As per the Will executed by Kokilambal ammal, properties including the land measuring 19.21 acres situate in Veeraperumanallur Village and Paravanandal Village was bequeathed in favour of her grandson Sankaran. Since he was minor at the time of execution of the Will, his mother Sundarambal Ammal had been maintaining that property in the capacity of mother and guardian of the minor. Therefore, she cannot be considered as a limited owner and the entire proceedings originally initiated as against Sundarambal Ammal by the revision petitioner Assistant Commissioner (Land Reforms)

seems to be misdirected and vitiated as it was initiated against a wrong person. The judgment dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000 passed by the District Revenue Officer, who is the first respondent herein is well considered, which did not require the interference of this Court.

47. Secondly, as argued by Mr.N.Jothi, the revision petitioner himself has lost his competency to challenge the judgment of the first respondent because he is the original authority, who had initiated proceedings as against a wrong person Sundarambal Ammal at the initial period. Therefore he cannot be considered as an aggrieved person to challenge the order of the Appellate Authority.

Ground No.2: Limitation:

48. Rule 26(5) of the Tamil Nadu Land Reforms (Special Appellate Tribunal) Rules, enacts that every application for revision shall be filed within ninety days from the date on which the proceedings, decision or order, to which the application relates was communicated to the applicant or issued, whichever is later. On perusal of the records, this Court finds that an application in M.P.No.52 of 2001 was filed under Section 83 of the Tamil Nadu Land Reforms Act r/w.Section 5 of the Limitation Act to condone the delay of 50 days in filing this revision. That petition was allowed and the delay of 50 days was condoned on 26.07.2001. Therefore, the question of delay does not arise here.

49. However, Mr.N.Jothi, learned counsel for the second respondent has submitted that the subject matter is pending endlessly at least from the year 1976 as it could be seen from the second paragraph of the original order of the Authorised Officer. The proceedings was originally initiated during 1976 and therefore, he has submitted that for the past 39 years, the matter has been pending wherein by efflux of time, the properties underwent various changes by means of partition and further underwent sale to third parties. He has also submitted that since no proceedings were initiated as against Sankaran, the second respondent herein, nothing survives in the whole issue and thus heavy delay has been caused even in preferring the revision by the authorised officer in the year 2003. The basic factors of the application of the Act as against the holdings of the land by the title holder beyond the ceiling limit has never been adverted to by the revision petitioner either in the grounds of appeal or when the first proceedings were initiated in January 1976. The very purpose of the Act is identified as the excess land with reference to the holder of the land who has got title /possession beyond the limit prescribed under Section 5 of the Act. But it was not dealt anywhere by the revision petitioner. The original order itself

suffers from legal infirmities and inhibition right from its inception. The very proceedings initiated by the revision petitioner are void abinitio in view of the proceedings proceeded on the wrong person as rightly pointed by the Appellate Authority. This Court has carefully perused the grounds of revision along with the judgment of the first respondent, which is impugned in this revision. This Court has also considered the submissions made on behalf of both sides and having regard to the relevant facts and circumstances, this Court is of view that the revision is not at all maintainable as the revision petitioner viz., the Assistant Commissioner of Land Reforms is the original authority who has lost competency to maintain this revision.

In the result, the revision petition is dismissed confirming the judgment of the Appellate Authority dated 23.10.2000 and made in L.T.C.M.A.No.3 of 2000. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Assistant Commissioner,
(Land Reforms)
Villupuram.
2. The District Revenue Officer,
(Land Tribunal), Chennai-5

+2ccs to Mr.M.C.Govindan, Advocate, in SR.No.62101 (30/06/17)
+1cc to Government Pleader, in SR.No.62502 (30/06/17)

Copy to

The VR Section,
High Court, Madras.

C.R.P (PD) No.1950 of 2003

VSN(CO)
CS/27/06/17