



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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GOVERNMENT OF PUDUCHERRY

OFFICE OF THE DEPUTY COLLECTOR (REVENUE) SOUTH, VILLIANUR
PUDUCHERRY

No. 15282/DCRS/LR-WD-2/B2/2022-23/3217.

Villianur, dated 27th October 2022.

PROCEEDINGS OF THE AUTHORISED OFFICER (LAND REFORMS)

Present : Thiru K. Muralidharan,
Deputy Collector (Revenue) South-cum-Authorised Officer
(Land Reforms).

Read : 1. Publication of Notification under section 11/13 in the
Extraordinary Gazette No. 428, dated 20-09-1976.
2. Order, dated, 24-12-1976 in LTCMA No. 27 of 1976 in the Court
of the Principal Sub-Judge at Pondicherry.
3. Order, dated, 24-10-1979 in CRP.No. 1656/1979 of the Madras
High Court.
4. Legal Opinion, dated, 27-04-2012 of Advocate on Record,
Government of Puducherry, Supreme Court of India.
5. Opinion of the Law Department, Puducherry *vide* I.D. Note.
No. 178/Adv/2015.LD, dated 23-07-2015.
6. I.D.Note, dated 15-09-2022 of the Secretary (Revenue)-cum-
Land Commissioner.

ORDER

Whereas, Land Reforms proceedings had been initiated to acquire surplus land holdings situated at Manamedu Revenue Village in Bahour Taluk in respect of Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar under the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

2. And whereas, on scrutiny of the revenue records it has been ascertained that Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, is holding land in excess of the ceiling limit in Manamedu Revenue Village, Bahour Taluk, as prescribed under the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973. The Authorised Officer after completing all the procedures required under the Land Reforms Act, 1973 published Final Statement under section 11/13 of the Act in the Extraordinary Gazette No. 428, dated, 20-09-1976 declaring that the land to an extent of 04.33.55 Ha. or 2.852 Std. HAC in Manamedu Revenue Village as surplus.

3. And whereas, aggrieved by the orders of the Authorised Officer, the assessee had preferred an appeal before the Land Tribunal in LTCMA No. 27/76 and the Land Tribunal *vide* its order, dated 24-12-1976 has allowed the appeal and set aside the orders of the Authorised Officer as follows:

“... The lands held by Thiruvalargal Ramarathinam Mohanraj and Sureshkumar shall be excluded from the holdings of the appellant Thiru L. Sadasiva Reddiar”.

4. And whereas, against the order of the Land Tribunal in LTCMA No. 27/76, the Government has preferred an appeal before the Hon'ble High Court of Judicature at Madras in C.R.P. No. 1656/1977. The Hon'ble High Court of Judicature at Madras has dismissed the Civil Revision petition filed by the Government *vide* its order, dated 24-10-1979.

5. And whereas, in a relevant Land Reforms case, the opinion of the Law Department was sought to prefer appeal against the order of the Hon'ble High Court of Judicature at Madras in the Apex Court by the Authorised Officer on 15-03-1986 for the Assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*), Manamedu and the Law Department has opined as follows:

“.... If, the Department proposes to take further proceedings in this case they have to abide by the orders of the Land Tribunal which has been confirmed by the High Court in the Revision Petition filed by us. In other words, the holdings of the minor who become major between the appointed day and the notified day and also that of the daughter who was unmarried on the appointed date and was married before the notified date should be excluded from the family holdings. If so, excluded it is not known whether there will be any surplus lands to be taken over by the Government. Also this would be against the stand taken by us in other cases, wherein, we have filed appeals in the Supreme Court. We are not in a position to take up on appeal this case due to bar of limitation. It is therefore, suggested that in this case the Department may take action after knowing results of the appeal filed by us in the Supreme Court on the points which are in issue now”.

6. And whereas, the Hon'ble Supreme Court of India in its common order, dated 30-06-1994 in relevant Land Reforms cases in respect of the appeals filed by the Government in Civil Appeal Nos. 135/79, 1625/79 and 4646/94 arising out of SLP No. 6468/80 has observed as follows:

“... the judgments of the High Court under appeal as well as the orders passed by the Land Tribunal holding that the share of the minor son attaining majority after the appointed day must be excluded from the holding of the family are set aside and the orders passed by the Authorised Officer are restored.....”.

7. And whereas, the Advocate of the Hon'ble Supreme Court of India *vide* letter, dated 06-08-1994 has stated that the common judgment has been delivered on 30-06-1994 by the Hon'ble Supreme Court of India in respect of the appeal filed by the Government in Civil Appeal Nos. 135/79, 1625/79 and 4646/94 arising out of SLP No. 6468/80. Wherein, it has been held that section 9(2)(a) of the Act on a proper interpretation does not permit the exclusion of the minor son becoming a major between “appointed day” and “notified day” and an unmarried girl becoming married between the said two days.

8. And whereas, during the year 2008, the Additional Secretary (Revenue) has instructed to freeze/remove Government Land Record (GLR) value in respect of subject land until completion of the Land Reforms proceedings. Accordingly, the Authorised Officer has published a notification *vide* proceeding No. 2978/DCRS/LR/C1/2007-08 and informed to the public that the Guide Line Value for the lands of the Assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, in Manamedu Revenue Village, Bahour Taluk, will be frozen till the completion of the proceedings under Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

9. And whereas, consequent to the notification the Guide Line Value for the lands of the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, in Manamedu Revenue Village, Bahour Taluk, were frozen so as to acquire the surplus holdings of the assessee. However, the assessee resisted the acquisition process on the grounds that the order of the Hon'ble High Court/Land Tribunal have attained finality as no appeal was preferred against the order(s) of the Hon'ble High Court/Land Tribunal.

10. And whereas, the opinion of the Law Department was sought to continue the Land Reforms Proceedings in respect of the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, Manamedu, Bahour Taluk. The Law Department has advised with the following facts;

“... The Authorised Officer/Government in other similar Land Reforms cases, it is to be appreciated that the legal position of a minor, who may attain majority between the appointed day and the notified date under Puducherry Land Reforms (Fixation of Ceiling of Land) Act, 1973 has been fully settled by the Hon'ble Supreme Court in the case of Government of Union territory of Puducherry *vs.* Mohd. Husain reported in (1994) 5 SCC 121. Since, the law is now settled in the aforesaid judgment by the Apex Court all similar land reforms cases pending adjudications will be covered by the said declaration of law by the Hon'ble Supreme Court ... “.

Further, the Law Department has also stated that the Administrative Department may expedite necessary action in consultation with the Advocate on Record in respect of all pending litigations to defend the interest of this Administration.

11. And whereas, based on the opinion of the Law Department, the opinion of Advocate on Record, Thiru V.G. Pragasam was sought for preferring appeal on similar four Land Reforms cases. In this regard, the opinion of Thiru R. Venkataramani, Senior Advocate, Supreme Court Chamber, Law Commission of India, was obtained by Thiru V.G. Pragasam, Advocate on Record for Government of Puducherry, Supreme Court of India and communicated as detailed below;

“..... there is no scope whatsoever of filing an appeal at this point of time. Even though the orders passed by the High Court may not be in consonance with the judgment of the Supreme Court in C.A.No. 135/1979, the orders passed by the High Court will continue to prevail, since appeals have not been filed in the above-mentioned four cases. Merely because the High Court judgments are not in consonance with that of the Supreme Court, the finality attained by them long ago cannot be reopened now. I also find that the land in question has changed hands during this long period”.

12. And whereas, the Law Department has pointed the same opinion of Senior Advocate of Supreme Court of India and opined as follows:

“... Due to non-preferring of appeal in all the said four Land Reforms Cases, the order of the High Court has attained finality and continue to prevail as on date, hence, there is no scope for filing appeal before the Hon'ble Supreme Court of India in this matter”.

13. And whereas, based on the order of the Hon'ble High Court of Judicature at Madras in CRP.No. 1656/1977, dated 24-10-1979 and as per the directions of LTCMA No. 27/76, dated 24-12-1976.

- ❖ If, we exclude the share portion of lands allotted to the minor sons as directed in the LTCMA by taking into consideration of the land holdings in the final statement published in the Extraordinary Gazette No. 428, dated 20-09-1976, the remaining land holdings of the assessee works out as detailed below:

Total holdings of the assessee Thiru Sadasiva Reddiar including major sons as notified in final statement	Land holdings in the name of minor son Thiru Mohan @ Ramarathinam	Land holdings in the name of minor son Thiru Suresh Kumar	Remaining land holdings in the name of the assessee after excluding the shares of minor sons [1-(2+3)]
(1)	(2)	(3)	(4)
10.052 Std. HAC	6.363 Std. HAC	0.986 Std. HAC	2.703 Std. HAC

- ❖ The total holdings of the assessee will be reduced to 2.703 Std. Hec., which is within the ceiling limit as per section 4(1) and (b) of the Puducherry Land Reforms (Fixation of Ceiling on Land Act); 1973.’

- ❖ Since, there would be no surplus lands to be acquired from the total holdings of the assessee, continuing the Land Reforms proceedings against the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar will be futile.

14. And whereas, the Secretary (Revenue)-cum-Land Commissioner has also concurred to pass appropriate orders to withdraw the Land Reforms proceedings in respect of the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, Manamedu Revenue Village *vide* I.D.Note, dated 15-09-2022 of the Secretary (Revenue)-cum-Land Commissioner.

15. Now, therefore, as the order of the Hon'ble High Court of Judicature at Madras, dated 24-10-1979 in CRP. No. 1656/1977 has attained finality and continue to prevail as on date due to non-preference of appeal and in compliance with the order, dated 24-12-1976 in LTCMA No. 27/76 and as well as in view of the facts discussed above I, K. Muralidharan, Deputy Collector (Revenue) South-cum-Authorised Officer (Land Reforms), hereby order that the Land Reforms proceedings initiated to acquire surplus lands in Manamedu Revenue Village, Bahour Taluk in respect of the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar under the Land Reform (Fixation of Ceiling on Land) Act, 1973 shall be treated as withdrawn.

K. MURALIDHARAN,
Authorised Officer (Land Reforms).

GOVERNMENT OF PUDUCHERRY
OFFICE OF THE DEPUTY COLLECTOR (REVENUE) SOUTH, VILLIANUR
PUDUCHERRY

No. 15282/DCRS/LR-WD-4/B2/2022-23/3218.

Villianur, dated 27th October 2022.

PROCEEDINGS OF THE AUTHORISED OFFICER (LAND REFORMS)

Present : Thiru K. Muralidharan,
Deputy Collector (Revenue) South-cum-Authorised Officer
(Land Reforms).

- Read* : 1. Publication of Notification under section 9 in the Extraordinary Gazette No. 134, dated 16-09-1975.
2. Order, dated 31-10-1978 in LTCMA No. 53 of 1977 in the Court of the Principal Sub-Judge at Pondicherry.
3. Order, dated 11-03-1981 in CRP.No. 2345/1979 of the Madras High Court.
4. Legal Opinion, dated 27-04-2012 of Advocate on Record, Government of Puducherry, Supreme Court of India.
5. Opinion of the Law Department, Puducherry *vide* I.D. Note. No. 178/Adv/2015.LD, dated 23-07-2015.
6. I.D. Note, dated 15-09-2022 of the Secretary (Revenue)-cum-Land Commissioner.

ORDER

Whereas, Land Reforms proceedings had been initiated to acquire surplus land holdings situated at Pannaiyadikuppam and Pandasozhanallur Revenue Villages in Bahour Taluk, in respect of Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) under the Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

2. And whereas, on scrutiny of the revenue records it has been ascertained that Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*), is holding land in excess of the ceiling limit in Pannaiyadikuppam and Pandasozhanallur Revenue Villages, Bahour Taluk, as prescribed under the Puducherry Land Reform (Fixation of Ceiling on Land) Act, 1973. The Authorised Officer after completing all the procedures required under the Land Reforms Act, 1973 published Draft Statement under section 9 of the Act in the Extraordinary Gazette No. 134, dated 16-09-1975 declaring that the land to an extent of 02.94.35 Ha. in Pannaiyadikuppam Revenue Village as surplus.

3. And whereas, aggrieved by the orders of the Authorised Officer, the assessee had preferred an appeal before the Land Tribunal in LTCMA No. 53/77 and the Land Tribunal *vide* its order, dated 31-10-1978 has allowed the appeal and set aside the orders of the Authorised Officer as follows:

“... The lands of Krishnamurthy and Sumathy shall be excluded from the holdings of the appellant Lakshmi Bai Ammal....”.

4. And whereas, against the order of the Land Tribunal in LTCMA No. 53/77, the Government has preferred an appeal before the Hon'ble High Court of Judicature at Madras in C.R.P. No. 2345/1979. The Hon'ble High Court of Judicature at Madras has dismissed the Civil Revision petition filed by the Government *vide* its order, dated 11-03-1981.

5. And whereas, in a relevant Land Reforms case, the opinion of the Law Department was sought to prefer appeal against the order of the Hon'ble High Court of Judicature at Madras in the Apex Court by the Authorised Officer on 15-03-1986 for the Assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) and the Law Department has opined as follows:

“.... If, the Department proposes to take further proceedings in this case they have to abide by the orders of the Land Tribunal which has been confirmed by the High Court in the Revision Petition filed by us. In other words, the holdings of the minor who become major between the appointed day and the notified day and also that of the daughter who was unmarried on the appointed date and was married before the notified date should be excluded from the family holdings. If, so excluded it is not known whether there will be any surplus lands to be taken over by the Government. Also this would be against the stand taken by us in other cases, wherein, we have filed appeals in the Supreme Court. We are not in a position to take up on appeal this case due to bar of limitation. It is therefore, suggested that in this case the Department may take action after knowing results of the appeal filed by us in the Supreme Court on the points which are in issue now.....”.

6. And whereas, the Hon'ble Supreme Court of India in its common order, dated 30-06-1994 in relevant Land Reforms cases in respect of the appeals filed by the Government in Civil Appeal Nos. 135/79, 1625/79 and 4646/94 arising out of SLP No. 6468/80 has observed as follows:

“... the judgments of the High Court under appeal as well as the orders passed by the Land Tribunal holding that the share of the minor son attaining majority after the appointed day must be excluded from the holding of the family are set aside and the orders passed by the Authorised Officer are restored.....”.

7. And whereas, the Advocate of the Hon'ble Supreme Court of India *vide* letter, dated 06-08-1994 has stated that the common judgment has been delivered on 30-06-1994 by the Hon'ble Supreme Court of India in respect of the appeal filed by the Government in Civil Appeal Nos. 135/79, 1625/79 and 4646/94 arising out of SLP No. 6468/80. Wherein, it has been held that section 9(2)(a) of the Act on a proper interpretation does not permit the exclusion of the minor son becoming a major between “appointed day” and “notified day” and an unmarried girl becoming married between the said two days.

8. And whereas, during the year 2008, the Additional Secretary (Revenue) has instructed to freeze/remove Government Land Record (GLR) value in respect of subject land until completion of the Land Reforms proceedings. Accordingly, the Authorised Officer has published a notification *vide* proceeding No. 2978/DCRS/LR/C1/2007-08 and informed to the public that the Guide Line Value for the lands of the Assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) in Pannaiyadikuppam and Pandasozhanallur Revenue Villages, Bahour Taluk, will be frozen till the completion of the proceedings under Puducherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

9. And whereas, consequent to the notification, the Guide Line Value for the lands of the assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) in Pannaiyadikuppam and Pandasozhanallur Revenue Villages, Bahour Taluk, were frozen so as to acquire the surplus holdings of the assessee. However, the assessee resisted the acquisition process on the grounds that the order of the Hon'ble High Court/Land Tribunal have attained finality as no appeal was preferred against the order(s) of the Hon'ble High Court/Land Tribunal.

10. And whereas, the opinion of the Law Department was sought to continue the Land Reforms Proceedings in respect of the assessee Thiru Sadasiva Reddiar, s/o. Lakshmana Reddiar, Manamedu, Bahour. The Law Department has advised with the following facts;

“... The Authorised Officer/Government in other similar Land Reforms cases, it is to appreciated that the legal position of a minor, who may attain majority between the appointed day and the notified date under Puducherry Land Reforms (Fixation of Ceiling of Land) Act, 1973 has been fully settled by the Hon'ble Supreme Court in the case of Government of Union Territory of Puducherry *vs.* Mohd. Husain reported in (1994) 5 SCC 121. Since, the law is now settled in the aforesaid judgment by the Apex Court all similar Land Reforms cases pending adjudications will be covered by the said declaration of law by the Hon'ble Supreme Court...”.

Further, the Law Department has also stated that the Administrative Department may expedite necessary action in consultation with the Advocate on Record in respect of all pending litigations to defend the interest of this Administration.

11. And whereas, based on the opinion of the Law Department, the opinion of Advocate on Record, Thiru V.G. Pragasam was sought for preferring appeal on similar four Land Reforms cases. In this regard, the opinion of Thiru R. Venkataramani, Senior Advocate, Supreme Court Chamber, Law Commission of India, was obtained by Thiru V.G. Pragasam, Advocate on Record for Government of Puducherry, Supreme Court of India and communicated as detailed below;

“..... there is no scope whatsoever of filing an appeal at this point of time. Even though the orders passed by the High Court may not be in consonance with the judgment of the Supreme Court in C.A.No.135/1979, the orders passed by the High Court will continue to prevail, since, appeals have not been filed in the above mentioned four cases. Merely because the High Court judgments are not in consonance with that of the Supreme Court, the finality attained by them long ago cannot be reopened now. I also find that the land in question has changed hands during this long period.....”.

12. And whereas, the Law Department has pointed the same opinion of Senior Advocate of Supreme Court of India and opined as follows:

“... Due to non-preferring of appeal in all the said four Land Reforms Cases, the order of the High Court has attained finality and continue to prevail as on date, hence, there is no scope for filing appeal before the Hon'ble Supreme Court of India in this matter....”.

13. And whereas, based on the order of the Hon'ble High Court of Judicature at Madras in CRP. No. 2345/1979, dated 11-03-1981 and as per the directions of LTCMA No. 53/77, dated 31-10-1978.

- ❖ If, we exclude the share portion of lands allotted to the minor son and daughter as directed in the LTCMA, the remaining land holdings of the assessee works out as detailed below:

Total holdings of the assessee Tmt. Lakshmibai Ammal including major son/ daughter as per the LTCMA order	Land holdings in the name of minor son Thiru Krishnamurthy	Land holdings in the name of minor daughter Tmt. Sumathy	Remaining land holdings in the name of the assessee after excluding the shares of minor son and daughter [1-(2+3)]
(1)	(2)	(3)	(4)
7.7432 Std. HAC	3.32 Std. HAC	0.6918 Std. Hec	3.7314 Std. HAC

- ❖ The total holdings of the assessee will be reduced to 3.7314 Std. HAC which is within the ceiling limit as per section 4(1) and (b) of the Puducherry Land Reforms (Fixation of Ceiling on Land Act), 1973.
- ❖ Since, there would be no surplus lands to be acquired from the total holdings of the assessee, continuing the land reforms proceedings against the assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) will be futile.

14. And whereas, the Secretary (Revenue)-*cum*-Land Commissioner has also concurred to pass appropriate orders to withdraw the Land Reforms proceedings in respect of the assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*), Pannaiyadikuppam and Pandasozhanallur Revenue Villages *vide* I.D.Note, dated 15-09-2022 of the Secretary (Revenue)-*cum*-Land Commissioner.

15. Now, therefore, as the order of the Hon'ble High Court of Judicature at Madras, dated 11-03-1981 in CRP.No. 2345/1979 has attained finality and continue to prevail as on date due to non-preference of appeal and in compliance with the order, dated 31-10-1978 in LTCMA No. 53/77 and as well as in view of the facts discussed above I, K. Muralidharan, Deputy Collector (Revenue) South-*cum*-Authorised Officer (Land Reforms), hereby order that the Land Reforms proceedings initiated to acquire surplus lands in Pannaiyadikuppam and Pandasozhanallur Revenue Villages , Bahour Taluk, in respect of the assessee Tmt. Lakshmibai Ammal, w/o. Muthuvenkatarama Reddiar (*late*) under the Land Reform (Fixation of Ceiling on Land) Act, 1973 shall be treated as withdrawn.

K. MURALIDHARAN,
Authorised Officer (Land Reforms).
