



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

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No. }	Puducherry	Thursday	8th	September	2022

GOVERNMENT OF PUDUCHERRY

OFFICE OF THE DEPUTY COLLECTOR (REVENUE) SOUTH, VILLIANUR

No. 903/DCRS/LR/B2/2022-23/2745.

Villianur, dated 05th September 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 in the Extraordinary Gazette No. 44, dated 09-03-1978.
2. Order, dated 29-08-1979 in LTCMA No. 17 of 1979 in the Court of the Principal Sub-Judge at Pondicherry.
3. Order, dated 20-11-1980 in CRP.No. 37461/80 of the Madras High Court.
4. Opinion of the Law Department, Puducherry vide I.D.Note. No. 178/Adv./2015. LD., dated 23-07-2015.
5. Order, dated 04-07-2022 of the High Court of Judicature at Madras in Writ Petitions W.P.Nos. 15446, 15323 and 15499 of 2022 and W.M.P.Nos. 14593, 14489 and 14666 of 2022.
6. I.D.Note, dated 21-08-2022 of the Secretary (Revenue)-cum-Land Commissioner.

ORDER

Whereas, Land Reforms Proceedings had been initiated to acquire surplus land holdings situated at Embalam and Korkadu Revenue Villages in Bahour Taluk, in respect of Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar 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 Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar, is holding land in excess of the ceiling limit in Embalam and Korkadu Revenue Villages, 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 of the Act in the Extraordinary Gazette *vide* No. 44, dated 09-03-1978 declaring that the land to an extent of 13-51-45 Ha. equivalent to 7.2383 Std. Hec. in Embalam and Korkadu Revenue Villages were found 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. 17/78 and the Land Tribunal *vide* its order, dated 29-08-1979 has allowed the appeal and set aside the orders of the Authorised Officer as follows:

“ three major sons who were entitled to a share prior to the appointed date had their share in the total land holdings of the Undivided Hindu Joint Family. The Authorised Officer ought to have taken into account only 1/4th of the total land holdings on the name of the appellant who is the kartha of the family. If that is so, the total Std. Hecs. and it is admittedly lesser than the ceiling limit of 6 Std. Hecs. Hence, the appeal is allowed the order of the learned Authorised Officer is set aside with costs ”

4. And whereas, against the order of the Land Tribunal in LTCMA No. 17/78, the Government has preferred an appeal before the Hon'ble High Court of Judicature at Madras in CRP.No. 37461/80 and the Hon'ble Court had dismissed the appeal *vide* its order, dated 20-11-1980.

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, wife of Muthuvenkatarama Reddiyar (*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 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/CI/2007-08 and informed to the public that the Guide Line Value for the lands of the assessee Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar, in Embalam and Korkadu 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 Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar, in Embalam and Korkadu Revenue Villages, Bahour Taluk were frozen so as to acquire the surplus holdings of the assessee. However, the assesees 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 a relevant land reforms case relating to the assessee, Thiru Sadasiva Reddiyar, son of Lakshmana Reddiyar, 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 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, dated 20-11-1980 and as per the directions of LTCMA No. 17/78, dated 29-08-1979.

- ❖ If, we exclude the shares of land(s) allotted to (i) Thiru Sundara Raman, (ii) Thiru Lakshmi Narayanan and (iii) Thiru Mohan, son of Muthuvenkatapathy Reddiyar, then there would be no surplus land(s) to be acquired from the total holdings of the assessee Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar. The total holdings of the assessee would be reduced to 3.309 Std. Hec., which would be within the ceiling limit as per section 4(1) and (b) of the Pondicherry Land Reforms (Fixation of Ceiling on Land Act), 1973.
- ❖ Since, there would be surplus lands to be acquired from the total holdings of the assessee, continuing the Land Reforms Proceedings against the assessee Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar will be futile.

14. And whereas, recently the Hon'ble High Court of Judicature at Madras in its order, dated 04-07-2022 in Writ Petitions W.P.Nos. 15446, 15323 and 15499 of 2022 and W.M.P.Nos. 14593, 14489 and 14666 of 2022 has directed as follows:

“ the respondents have to withdraw the Land Reforms Proceedings by assigning GLR value for the subject lands. Hence, this Court directs the second respondent to pass appropriate orders, withdrawing the land reforms proceedings by assigning GLR value in respect of the subject lands.....”

15. And whereas, the Secretary (Revenue)-*cum*-Land Commissioner has also concurred to pass appropriate orders to withdraw the Land Reforms Proceedings and to assign GLR value in respect of the subject lands of the Assessee Thiru Muthuvenkatapathy, son of Sundara Reddiyar, Korkadu Revenue Village *vide* I.D.Note, dated 21-08-2022 of the Secretary (Revenue)-*cum*-Land Commissioner.

16. Now, therefore, as the order of the Hon'ble High Court of Judicature at Madras, dated 20-11-1980 in CRP.No. 37461/80 has attained finality and continue to prevail as on date due to non-preference of appeal and in compliance with the order, dated 29-08-1979 in LTCMA No.17/78 and order of the Hon'ble High Court of Judicature at Madras, dated 04-07-2022 in Writ Petitions W.P.Nos. 15446, 15323 and 15499 of 2022 and W.M.P.Nos. 14593, 14489 and 14666 of 2022 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 Embalam and Korkadu Revenue Villages, Bahour Taluk in respect of the assessee Thiru Muthuvenkatapathy Reddiyar, son of Sundara Reddiyar under the Land Reforms (Fixation of Ceiling on Land) Act, 1973 shall be treated as withdrawn.

K. MURALIDHARAN,
Authorised Officer (Land Reforms).
