



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	Friday	16th	June	2023

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

No. 15282/SCRS/LR-WD-3/B2/2022-23/1322.

Villianur, dated 14th June 2023.

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 sections 11 and 13 in the
Extraordinary Gazette No. 246, dated, 15-12-1975.
2. Order, dated 10-03-1976 in LTCMA Nos. 6 and 7 of 1976 in
the Court of the Principal Sub-Judge at Pondicherry.
3. Letter, dated 23-12-2010 of the Government Pleader-cum-
Public Prosecutor for Puducherry, 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 21-08-2022 of the Secretary (Revenue)-*cum*-Land Commissioner.
7. Order, dated 30-03-2023 of the Hon'ble High Court of Judicature at Madras in W.P.No. 8259 of 2023.

ORDER

Whereas, Land Reforms proceedings was initiated to acquire surplus land holdings situated at Kodathur, Kakilapet, Suthukeny, Thethampakkam and Manamedu Revenue Villages in Villianur and Bahour Taluks in respect of the assessee Thiru Manickavasaga Reddiar, son of Sangara Reddiar under the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973.

2. And whereas, on scrutiny of the revenue records, it has been ascertained that Thiru Manickavasaga Reddiar, son of Sankara Reddiar, is holding land in excess of ceiling limit in Kodathur, Kakilapet, Suthukeny, Thethampakkam and Manamedu Revenue Villages, Villianur and Bahour Taluks as prescribed under the Pondicherry Land Reform (Fixation of Ceiling on Land) Act, 1973. The Authorised Officer after completing all procedures required under the Land Reforms Act, 1973 published Final Statement under section 11/13 of the Act in the Extraordinary Gazette No. 246, dated 15-12-1975 declaring that the land to an extent of 02.32.14 Ha. in Kodathur, Kakilapet, Suthukeny, Thethampakkam and Manamedu Revenue Villages 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. 06/76 and 07/76 and the Land Tribunal *vide* its order, dated 10-03-1976 has allowed the appeal and set aside the orders of the Authorised Officer as follows:

“... In the result, common order is passed in L.T.C.M.A. 6 and 7. The two C.M.A's are allowed. The lands held by Thiru Ramamurthy, son of Manickavasaga Reddiar under the material deed, dated 27-11-1964 are ordered to be excluded from the draft statement published by the Authorised Officer showing the lands of Thiru Manickavasaga Reddiar as 7.532 standard hectares”.

4. And whereas, against the order of the Land Tribunal in LTCMA No. 06/76 and 07/76, the Government has preferred an appeal before the Hon'ble High Court of Judicature at Madras and the same was numbered as S.R.No. 41533/1977 and 41534/1977.

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 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 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 Manickavasaga Reddiar, son of Sangara Reddiar, in Kodathur, Kakilapet, Suthukeny, Thethampakkam and Manamedu Revenue Villages, Villianur and Bahour Taluks, will be freezed till the completion of the proceedings under Pondicherry 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 Manickavasaga Reddiar, son of Sangara Reddiar, in Kodathur, Kakilapet, Suthukeny, Thethampakkam and Manamedu Revenue Villages, Villianur and Bahour Taluks were freezed 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 Land Tribunal have attained finality and the status of appeal preferred against the order(s) of the Land Tribunal is not known and unlikely to trace it in the registry.

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 Assesse, Thiru Sadasiva Reddiar, son of Lakshmana Reddiar, Manamedu Revenue Village. 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 Pondicherry 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, recently the Hon'ble High Court of Judicature at Madras in its order, dated 30-03-2023 in Writ Petition W.P.No. 8259 of 2023 has directed as follows:

“..... this Court is of the view that no such revision is pending and that the order passed by the Land Tribunal, Pondicherry, in L.T.C.M.A.Nos. 6 and 7 of 1976, dated 10-03-1976, has become final. In view of this, the title over the subject lands would automatically be reverted to the name of the petitioner herein and therefore, the GLR Value, in respect of the subject lands, requires to be defroze”.

“..... In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to forthwith pass orders, defreezing the Guideline Rate Value (GLR Value), in respect of the lands situated in (i) R.S.No. 105/1pt., Cad.No. 7/4, measuring 0-03-05, (H.A.C); (ii) R.S.No. 105/1pt., Cad No. 7-5/2, measuring 0-03-20 (H.A.C); (iii) R.S.No. 105/1pt., Cad No. 7/2, measuring 0-15-65 (H.A.C), (iv) R.S.No. 109pt., Cad No. 289-2/1 measuring 0-14-45 (H.A.C); (v) R.S.No. 102/4, Cad No. 159/2, measuring 0-01-75 (H.A.C), Kodathur Village, Bahour Taluk, Puducherry, within a period of two weeks from the date of receipt of a copy of this order”.

14. And whereas, based on the directions in LTCMA No. 06/76 and 07/76, dated 10-03-1976.

- ❖ If, we exclude the share portion of lands allotted to the minor son Thiru Ramamurthy, son of Manickavasaga Reddiar as directed in the LTCMA by taking into account of material deed, dated 27-11-1964 and final statement published in Extraordinary Gazette No. 246, dated 15-12-1975, the remaining land holdings of the assessee works out as detailed below:

Total holdings of the assessee Thiru Manickavasaga Reddiar including major sons as notified in final statement	Land holdings in the name of minor son Thiru Ramamurthy as per the material deed	Remaining land holdings in the name of the assessee after excluding the shares of minor sons (1-2)
(1)	(2)	(3)
7.275 Std. HAC	7 hectares 37 ares and 60 centiares equivalent to 3.00 Std. HAC	4.275 Std. HAC

- ❖ The total holdings of the assessee will be reduced to 4.275 Std. HAC, which is 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 no surplus lands to be acquired from the total holdings of the assessee, continuing the land reforms proceedings against the assessee Thiru Manickavasaga Reddiar, son of Sangara Reddiar will be futile.

15. Now therefore, as the order, dated 10-03-1976 in LTCMA No. 06 and 07 of 1976 has attained finality and continue to prevail as on date and in compliance with the order, dated 30-03-2023 of the Hon'ble High Court of Judicature at Madras in Writ Petition W.P.No. 8259 of 2023 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 situated in Kodathur, Kakilapet, Suthukeny, Thethampakkam Revenue Villages in Villianur Taluk and Manamedu Revenue Village in Bahour Taluk, in respect of the assessee Thiru Manickavasaga Reddiar, son of Sangara Reddiar under the Land Reforms (Fixation of Ceiling on Land) Act, 1973 shall be treated as withdrawn.

K. MURALIDHARAN,
Authorised Officer (Land Reforms).