

(1996) 11 SC CK 0180

In the Supreme Court Of India

Case No : Civil Appeal No. 4460 of 1984

Authorised Officer (Land Reforms)

APPELLANT

Vs

M.M. Krishnamurthy Chetty[OVERRULED]

RESPONDENT

Date of Decision : 05-11-1996

Acts Referred:

Citation : (1998) 7 JT 503 : (1998) 9 SCC 138

Hon'ble Judges : S. B. Majmudar, J;N. P. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This appeal has been filed on behalf of the Authorised Officer under the Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act, 1961 for setting aside the judgment of the learned Judge of the High Court of Madras. It appears that about 4.81 standard acres of lands belonging to the respondent were declared surplus. Ultimately the matter came to the High Court. A learned Judge of the High Court set aside the orders passed by the authorities concerned and remanded the case for fresh consideration in the light of the judgment of the High Court in the case of Authorised Officer, Thanjavur and Another Vs. S. Naganatha Ayyar and Others, . While the matter was pending before the Authorised Officer this Court reversed the aforesaid judgment in Authorised Officer, Thanjavur and Another Vs. S. Naganatha Ayyar and Others, in the case of Authorised Officer, Thanjavur and Another Vs. S. Naganatha Ayyar and Others, . The Authorised Officer decided the ceiling proceedings in the light of the judgment of this Court. The landholder went in revision before the High Court challenging the order of the Authorised Officer. A stand was taken before the High Court that the order of remand passed by the High Court directing the Authorised Officer to decide the dispute in respect of the ceiling area in the light of the judgment of the High Court in the case of Authorised Officer, Thanjavur and Another Vs. S. Naganatha Ayyar and Others, was not challenged by the Authorised Officer before the Supreme Court and as such it had become final. In

other words the Authorised Officer was bound by the order of remand passed by the High Court and it was not open to the Authorised Officer to consider the dispute in respect of the ceiling area in the light of the judgment of this Court. The High Court accepted this contention and allowed the civil revision filed by the landholder, the respondent.

2. According to the appellant once the judgment on the basis of which the High Court had directed to dispose of the dispute relating to the excess land had been reversed by this Court, the Authorised Officer was justified in following the judgment of this Court instead of the judgment of the High Court. It need not be pointed out that the order passed by the High Court attained finality as it was not challenged before the Supreme Court. The order passed by the High Court directing the Authorised Officer to examine the dispute in the light of the judgment of the High Court in the case of *Naganatha Ayyar v. Authorised Officer* 84 LW 69 became final although the judgment on which the grievance had to be examined itself was reversed later by this Court. We find no fault with the reasoning of the High Court. It is well settled that even orders which may not be strictly legal become final and are binding between the parties if they are not challenged before the superior courts. In the result the appeal fails and it is dismissed. No costs.