
(1971) 03 MAD CK 0058
In the Madras High Court

Authorised Officer (Land Reforms)

APPELLANT

Vs

Subbalakshmi Ammal

RESPONDENT

Date of Decision : 10-03-1971

Acts Referred:

Citation : (1971) 84 LW 501 : (1971) 2 MLJ 266

Hon'ble Judges : V.V. Raghavan, J

Bench : Division Bench

Judgement

V.V. Raghavan, J.—The Authorised Officer (Land Reforms), Coimbatore, is the petitioner. The respondent's husband held on 6th April, 1960, 28.255 standard acres as Section I property and 23.226 standard acres as Section VI property. The respondent held more than the ceiling extent u/s VI (stridhanam property) even after granting exemptions. The Authorised Officer, therefore, prepared the draft statement u/s 10 (1) of Madras Act (LXVIII of 1961), which was duly published in the Fort St. George Gazette on 20th October, 1965. The respondent's husband died on 16th January, 1961 and the respondent filed her objections on 27th January, 1966, contending that her holding was within the permissible limit of 30 standard acres, that as heir of her husband she became entitled to a one-third share of the lands held by her deceased husband, that the entire holdings of her husband could not be added to her holding on her husband's death, that each of the two sons became entitled to a third share of the land left by her deceased husband, and that, in that view, the lands in her possession will be less than the existing acres and, therefore, there was no question of there being any surplus land. The Authorised Officer, overruled her objection and held that surplus lands as included in Annexure I to the draft statement u/s 10 (1) will hold good.

2. Against the said order, the respondent filed L. T. A. No. 50 of 1966 to the Subordinate Judge (Land Tribunal), Coimbatore. The Land Tribunal held that the order of the Authorised Officer, holding that on the date of the preparation of the statement u/s 10 (2) (b) the respondent would be treated as a holder of the

extent not only left by her deceased husband in entirety but also her own extent, is not correct as her husband died before the notified date. The Land Tribunal further held that the size of the family as on the date of notification, namely, 2nd October, 1962, has alone to be taken into account, and, in view of the fact that her husband died prior to that date, one-third share in the holding of her husband to which she would be entitled should alone be taken into account along with her holding in fixing her ceiling area. In the result, the Tribunal allowed the appeal and remitted the matter to the Authorised Officer for fresh disposal in accordance with law in the light of the observations made by the Land Tribunal in its judgment.

3. The Authorised Officer has filed the above Civil Revision Petition.

4. It is contended by the learned Government Pleader that, on a proper construction of Section 10 (2), the ceiling area as on the date of the commencement of the Act alone should be taken into account. I do not agree with this contention. Section 10 (2) of the Act provides that for the purpose of calculating the ceiling area of a family holding land on the date of the commencement of the Act in excess of 30 standard acres, the Authorised Officer shall take into account only those members of that family who are alive on the notified date. Therefore, if there is any addition or subtraction in the strength of the family between the date of the commencement of the Act, namely, 6th April, 1960 and the notified date 2nd October, 1962, the position as on the notified date should alone be taken into consideration in fixing the ceiling area held by the family. The rights of the members holding lands are crystalised only on the notified date. Section 21 of the Act which contemplates taking into account future acquisitions made between the date of the commencement of the Act and the notified date, lends support to the view that the position of the family as on the notified date should alone be taken into account and not the date of the commencement of the Act, in fixing the ceiling area. In *The State of Madras v. Pankajam Anni* C.R.P. No. 854 of 1967--Unreported, Ramanujam, J., took the same view. In *Dadarao and Another Vs. State of Maharashtra and Others*, , in dealing with a similar provision in the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, the Bombay High Court has also taken the same view. I see no reason to interfere with the order of the Land Tribunal.

5. The Civil Revision Petition fails and is dismissed. There will be no order as to costs.