(2015) 03 MAD CK 0111

In the Madras High Court

Case No : Writ Petition No. 2240 of 2015 and M.P. Nos. 2 and 3 of 2015

D. Ramalingam APPELLANT

Vs

State of Tamil Nadu and Others RESPONDENT

Date of Decision : 03-03-2015

Acts Referred:

Constitution of India, 1950 — Article 215, 226, 227
Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 — Section 10, 109, 11, 11(2), 12

Citation : (2015) 03 MAD CK 0111

Hon'ble Judges : M. Duraiswamy, J.

Bench : Single Bench

Advocate : Thiyagarajan, SC for G. Sankaran, for the Appellant; A.L. Somayaji, Advocate General assisted by S.T.S. Murthy, Govt. Pleader and V. Subbiah, Spl. Govt. Pleader, Advocates for the Respondent

Judgement

M. Duraiswamy, J.—By consent of both sides, the main writ petition is taken up for final hearing.

2. The petitioner has filed the above writ petition seeking to issue a Writ of Certiorari to call for the records relating to the impugned Government Order issued by the first respondent in G.O. Ms. No. 34 Revenue (LR.I(2)) Department dated 14.1.2015 and to quash the same.

3. Heard Mr. R. Thiyagarajan, learned Senior Counsel for Mr. G. Sankaran, learned counsel appearing for the respondents and Mr. A.L. Somayaji, learned Advocate General for the respondents.

4. The brief case of the petitioner, necessary for the disposal of the writ petition, is as follows:

5. According to the petitioner, he is a resident of Vattampakkam Village, Sriperumbudur Taluk, Kancheepuram District and a landless poor. Based on Notification in Form "B" under Rule 4 of Tamil Nadu Land Reforms (Disposal of

Surplus Land) Rules, 1965 inviting application for assignment of surplus land, the petitioner made an application in the format of Form "C" and on that basis, he was assigned with wet land in S. No. 109, measuring an extent of 1 acre under category 5(i)(vi) with reference to cultivating tenants holding less than 3 acres dry or 1 1/2 acres of wet land in the said village.

6. The land was assigned in favour of the petitioner in the year 1980 under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, however, he has not been issued with patta for the said land. There are no entries in the revenue records with reference to the land assigned in his favour. The petitioner was making constant representations to the Assistant Commissioner (Land Reforms) Villupuram District, who is the competent authority, for issuance of patta under the Act. According to the petitioner, his application for issuance of patta is under consideration from the year 1997 upto till date without any progress.

7. In the month of January 2015, when the petitioner approached the office of the second respondent, he came to know that the State Government is taking steps for re-constructing the Land Reforms Department, by abolishing the Office of the Assistant Commissioner (Land Reforms) with effect from 31.1.2015 and all the works were entrusted to the Revenue Divisional Officer in each division to discharge the functions as Authorised Officer under the provisions of the Act.

8. Subsequently, the Government issued Order in G.O. Ms. No. 34 Revenue Department dated 14.1.2015 in an hurried manner for re-structuring the Land Reforms Department by disbanding the office of "Assistant Commissioner" and surrendering the key posts in Land Reforms Department and entrusting the works to Revenue Divisional Officer in each District and officials of Revenue Department from 1.2.2015 onwards in the name of enabling the public to have easy access for redressal of their grievance related to land reforms and to enable them to get the benefits intended for landless agriculture labour and cultivating tenants by creating certain number of posts in each District.

9. According to the petitioner, the Deputy Collector/Revenue Divisional Officer in the Districts are overburdened with assigned duties and responsibilities under the statute. In the said circumstances, the petitioner apprehends that in view of the re-structuring of land reforms effected by the impugned order, there is no likelihood of issuance of patta in his favour and carry out the entries in the Revenue Records for the land assigned to the petitioner.

10. According to the petitioner, the post of Assistant Commissioner (Land Reforms)/Authorised Officer, which is a quasi judicial authority, is attached with Additional Personal Assistant (Land) to the Collector in each District. Further, the Additional Personal Assistant (Land) to the Collector conferred with powers to monitor and administer the works of Land Reforms Boodan and Agriculture Income Tax and other land related subjects with effect from 1.2.2015, whereas, the post of Additional Personal Assistant (Land) to the Collector is not a notified

post under the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and the Rules made thereunder. The Act and Rules does not confer any power to the post of Additional Personal Assistant (Land) to the Collector to carry out the functions of the Act to monitor and administer the functions of quasi judicial authority as notified.

11. On the other hand, the impugned Government Order directed that the post of Revenue Divisional Officer is sought to be notified as Authorised Officer under the Act and the Assigning Authority under the Rules to carry out statutory functions of the Act and Rules. There cannot be any Notification of Revenue Divisional Officer as Authorised Officer and Assigning Authority when Additional Personal Assistant (Land) to the Collector in each District is directed to monitor and administer the work of Land Reforms.

12. Under Sec. 82 of the Act, the Land Commissioner viz., the Commissioner of Land Reforms is the Revisional Authority to call for and examine the records of any Authorised Officer in respect of statutory functions under various provisions of the Act. Since the Authorised Officer being quasi judicial authority, any person, including State Government, aggrieved by the decision taken by the Authorised Officer, has to file an appeal under Sec. 78 of the Act. Therefore, the Land Commissioner is the Revisional Authority under the Act to examine the correctness of the Order passed by the Authorised Officer, whereas, in the impugned order, it is stated that the District Collector is the implementing authority of Land Reforms and the District Collector and the District Revenue Officer are to monitor the works of Revenue Divisional Officers/Authorised Officers, who being a quasi judicial authority, is called to work under the control of District Collector and the District Revenue Officer would be ex-facie in gross violation of the provisions of the Land Reforms Act. There cannot be an authority to monitor or control the Authorised Officer, who is functioning as quasi judicial authority. In these circumstances, the petitioner has filed the above writ petition, seeking for the above relief.

13. The brief case of the respondents are as follows:

According to the respondents, the Government Order in G.O. Ms. No. 34, Revenue (LR.I(2)) Department, dated 14.1.2015, brings about the administrative reforms, strengthens the Land Reforms Department and subsequently helps the public. The petitioner has no locus-standi to question the restructuring of Land Reforms Department, which has been done on administrative grounds and for better implementation of the enactments relating to Land Reforms. The Government has the right for restructuring of Land Reforms Department on administrative grounds and the Government has taken a policy decision, which cannot be questioned by the petitioner.

14. The patta transfer in the name of assignee, in the revenue records, is being made by the Taluk Office under the District Administration and not by the Assistant Commissioner (Land Reforms). Considering the systemic lacunae, the

necessary involvement of the Taluk staff and inability of the Assistant Commissioner (Land Reforms) to implement efficiently the enactment relating to the Land Reforms and Rules made thereunder, the work related to Land Reforms, being performed by 6 Assistant Commissioners (Land Reforms), has been attached to 79 Revenue Divisional Officer, as per the Orders of the Government on restructuring of Land Reforms Department. This re-structuring order, that would enable grievances of the public, such as of petitioner, to be effectively and speedily redressed, has been challenged in the Writ Petition.

15. Now, in the impugned Government order, the petitioner can easily get patta after due verification by the Revenue Officials in the Taluk and obtaining orders of the Revenue Divisional Officer, as the Assigning Authority and Authorised Officer, who is their immediate superior authority in the revenue administration set up. The Government, after taking into consideration all the factors, passed orders on Re-structuring the Land Reforms Department in order to remove the difficulties faced by the beneficiaries including the petitioner. The Re-structured Land Reforms Department will be very helpful to the petitioner and it has been done in the interest of public at large.

16. The proposals for re-structuring of Land Reforms was sent to the Government by the second respondent on 19.6.2014 and after careful examination of the proposals of Re-structuring and its justification, an announcement was made in the Legislative Assembly on 8.8.2014 for the formation of one Land Reforms Unit at each of the 31 Collectorates except Chennai District in the State by abolishing the 6 Offices of the Assistant Commissioner (Land Reforms) in the State. The proposals were sent to Government for issuance of order for the creation of one Land Reforms Unit in each of the Collectorate on 17.9.2014 and the orders of the Government were issued on 14.1.2015.

17. The work of Land Reforms has been entrusted to 79 Revenue Divisional Officers in the cadre of Deputy Collector to look after one division per Revenue Divisional Officer instead of 6 Assistant Commissioners (Land Reforms) in the same cadre of Deputy Collector looking after 79 divisions with an average of 13 divisions per Assistant Commissioner (Land Reforms).

18. By re-structuring the Land Reforms, 6 posts of Assistant Commissioner (Land Reforms) are to be disbanded and instead 16 Additional Personal Assistant (Land) to Collector in the cadre of Deputy Collector are to be created to look after the work relating to Land Reforms, Bhoodan and Agricultural Income Tax and other land related subjects as ordinarily dealt with by Additional Personal Assistant (Land) in other 15 Districts and thus the post of Additional Personal Assistant (Land) to Collector in the Districts will be increased to 31 from 15 as at present. Thus the delivery of Land Reforms has been strengthened from a set up of 6 Deputy Collectors for 31 Districts to 31 District Collectors, 31 District Revenue Officers, 79 Revenue Divisional Officers and 31 Additional Personal Assistant (Land) to Collector, latter two in the cadre of Deputy Collector for 31

districts.

19. By way of such measures, the Public will have easy access for redressal of their grievances related to Land Reforms and they will have much less distance to travel to reach Revenue Divisional Officer''s office. To reach the Assistant Commissioner''s Office, at times even more than 300 kms are involved and now they will have easy access to Revenue Divisional Officer''s office within the reach of 50 kms at a maximum.

20. By entrusting the work to the District Administration, the implementation of Land Reforms and monitoring of work can be effectively done by the District Administration with revenue staff right from the Village Assistant, Village Administrative Officer to 79 Revenue Divisional Officers in the cadre of Deputy Collector, 31 Additional Personal Assistant (Land) to Collector and 31 District Revenue Officers and 31 District Collectors and thus the eligible landless agricultural labour and cultivating tenants under various enactment relating to Land Reforms and Rules made thereunder will get the maximum benefits without much loss of time.

21. The total staff in all the 6 Offices of the Assistant Commissioner (Land Reforms) is 132 as against the total staff in the District Administration of 50,878. The re-structuring of Land Reforms was done only after elaborate study and after taking into consideration of all factors like staff position, easy accessibility, quick redressal of public grievances, involvement of revenue staff, effective performance in the implementation of Land Reforms etc.

22. By entrusting the work of Land Reforms to the Revenue Divisional Officer, the redressal of grievances of issuance of patta, recording of entries in the revenue records will be much faster than by the Assistant Commissioners (Land Reforms), as the Taluk Office are under the direct control of Revenue Divisional Officer and the appeal lies before Revenue Divisional Officers against the order passed by the Tahsildar under Sec. 12 of the Tamil Nadu Patta Pass Book Act, 1986. The request of the petitioner for issuance of patta can be considered by the Revenue Divisional Officer as per Rules in force.

23. To enable better implementation of law relating to Land Reforms, co-ordinated functioning in the Revenue Department, strengthening the delivery system and it is manageable by the Officers of Revenue Department to deliver services effectively, the entrustment of Land Reforms works to the Officers of the Revenue Department would be helpful.

24. The Notifications "Authorised Officer" and "Assigning Authority" to carry out statutory functions of the Act and Rules, will follow only after orders have been passed by the Government and it cannot proceed before receipt of orders of Government. Immediately, on receipt of orders of Government, proposals for notifying the powers of "Authorised Officer" to the Sub Collector/Revenue Divisional Officer from 1.2.2015 has been received by the Government on 19.1.2015 and it is almost ready for issue.

25. Similarly, draft notification, authorising the Sub Collector/Revenue Divisional Officer as " Assigning Authority" under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 has been sent to Government Press for causing necessary publication in the Tamil Nadu Government Gazette by the second respondent.

26. Further the respondents stated that as the 6 Officers of the Assistant Commissioner (Land Reforms) are in existence till 31.1.2015, the powers of " Authorised Officer" had to be with them till 31.1.2015 and only on disbandment of such offices, the powers of " Authorised Officer " could be conferred on Revenue Divisional Officers with effect from 1.2.2015.

27. According to the respondents, presently, as against 1168 files on an average per Assistant Commissioner (Land Reforms) and 7009 files for 6 Assistant Commissioners, now the files will come to 88 per Revenue Division on an average and therefore it will be quite manageable to deliver services effectively and speedily. The contention of the petitioner that entrusting the work to Revenue Divisional Officer would completely paralyse the implementation of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act is imaginary and completely misleading. In these circumstances the respondents prayed for dismissal of the writ petition.

28. Mr. R. Thiyagarajan, learned Senior Counsel appearing for the petitioner contended that the entrustment of the land reforms work to the officers of Revenue Department would be highly prejudicial to the implementation of the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1965; that even before the proposal emanated and without notifying the post of " Authorised Officer" to discharge the functions of the Act and Rules, the impugned order has been passed to disband the existing post of Assistant Commissioner and that even without notifying the statutory authority under the provisions of the Act which would be violative of provisions of the Act particularly when the statutory functions assigned under the Act and Rules cannot be executed in the absence of notification of statutory authorities.

29. Further, the learned Senior Counsel contended that the field level post in the department have been completely disbanded and surrendered adverse to the interest of the functions of the department ultimately causing serious prejudice to the beneficiaries of the Act. The learned Senior counsel also submitted that the functions of the Authorised Officer Notified under the Act cannot be entrusted to the Revenue Divisional Officer who is already overburdened with duties and responsibilities assigned to the post which remain oversubscribed in practice, ultimately affecting the implementation of the provisions of Act 58 of 1961 and the Rules. The impugned order came to be issued disbanding the post of Assistant Commissioner (Land Reforms) and attaching the works relating to Boodan, Agriculture Income Tax hitherto carried out by Assistant Commissioner (Land Reforms) to the post of Additional Personal Assistant (Land) to the Collector in each District. Therefore, the post of Assistant Commissioner (Land

Reforms)/Authorised Officer, which is quasi Judicial authority is attached with Additional Personal Assistant (Land) to the Collector in each District.

30. Further, the Additional Personal Assistant (Land) to the Collector conferred with powers to monitor and administer the works of Land Reforms Boodan and Agriculture Income Tax and other land related subjects with effect from 1.2.2015, whereas the post of Additional Personal Assistant (Land) to the Collector is not a notified post under the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and the Rules made thereunder.

31. Land Commissioner is the Revisional Authority under the Act, whereas, in the impugned Government Order, it is stated that the District Collector is the implementing authority of Land Reforms and the District Collector and the District Revenue Officer to monitor the works of Revenue Divisional Officers/ Authorised Officers being a quasi judicial authority is called to work under the control of District Collector and District Revenue Officer would be ex-facie in gross violation to the provisions of Land Reforms Act.

32. That apart, the learned Senior Counsel contended that there cannot be an authority to monitor or control the Authorised Officer, who is functioning as quasi judicial authority. The learned Senior counsel submitted that the Government Order is against the interest of general public. Further, the learned Senior Counsel submitted that the proposed Government Order is against the Provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 and the Government Order is not in consonance with the provisions of the Act.

33. In support of his contention, the learned Senior Counsel relied on the following judgments:

(i) East India Commercial Co. Ltd.,Calcutta and Another Vs. The Collector of Customs, Calcutta, , wherein, the Apex Court has held as follows:

As we have already noticed in the earlier stage of the judgment, the notice issued by the respondent charges the appellants thus:

"One of the conditions of the special licence was that the goods would be utilized for consumption as raw material or accessories in the factory of the licence-holder and no part thereof would be sold to other parties, but in contravention of that condition the appellants sold a part of the goods imported to a third party and as the goods had been caused to be issued by fraudulent misrepresentation, they were liable to be confiscated under s. 167(8) of the Sea Customs Act."

Section 167(8) of the Sea Customs Act can be invoked only if an order issued under s. 3 of the Act was infringed during the course of the import or export. The division Bench of the High Court held that a contravention of a condition imposed by a licence issued under the Act is not an offence under s. 5 of the Act. This raises the question whether an administrative tribunal can ignore the law declared by the highest court in the State and initiate proceedings in direct violation of the law so declared. Under Art,. 215, every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Under Art. 226, it has a plenary power to issue orders or writs for the enforcement of the fundamental rights and for any other purpose to any person or authority, including in appropriate cases any Government, within its territorial jurisdiction. Under Art. 227 it has jurisdiction over all courts and tribunals throughout the territories in relation to which it exercise jurisdiction. It would be anomalous to suggest that a tribunal over which the High Court has superintendence can ignore the law declared by that court and start proceedings in direct violation of it. If a tribunal can do so, all the subordinate courts can equally do so, for there is no specific, provision, just like in the case of Supreme Court, making the law declared by the High Court binding on subordinate courts. It is implicit in the power of supervision conferred on a superior tribunal that all the tribunals subject to its supervision should conform to the law laid down by it. Such obedience would also be conducive to their smooth working: otherwise there would be confusion in the administration of law and respect for law would irretrievably suffer. We, therefor, hold that the law declared by the highest court in the State is binding on authorities or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such a proceeding. If that be so, the notice issued by the authority signifying the launching of proceedings contrary to the law laid down by the High Court would be in valid and the proceedings themselves would be without jurisdiction.

(ii) Orient Paper Mills Ltd. Vs. Union of India (UOI), , wherein the Apex Court has held as follows:

7. This leaves us with the question of the directions issued by the Board. The question whether "M.G. Poster paper" is "printing and writing paper" or "packing and wrapping paper" is essentially a question of fact. That had to be decided by the authorities under the Act. It was not denied before us that the Collector and the Central Government while deciding the appeals and the revision applications respectively functioned as quasi judicial authorities. So far as the nature of power exercised by the Central Government under S. 36 of the Act (revisional powers) is concerned, the matter is concluded by the decision of this Court in Aluminium Corporation of India Ltd. v. Union of India. Therein this Court held that the said power is a quasi judicial power. There is hardly any doubt that the power exercised by the appellate authority, i.e. the Collector, under s'' 35 is also a quasi judicial power. He is designated as an appellate authority; before him there was a lis between the appellant which had paid the duty and the Revenue; and his order is subject to revision by the Central-Government. Therefore, it is obvious that the power exercised by him is a quasi judicial power. Dr. Syed Mohammed, appearing for the respondent, did not contend-and we think rightly-that the power exercised by the Collector was not a quasi judicial power.

8. If the, power exercised by the Collector was a quasi judicial power-as we hold it to be-that power cannot be controlled by the directions issued by the Board.

No authority however high placed can control the decision of a judicial or a quasi judicial authority. That is the essence of our judicial system. There is no provision in the Act empowering the Board to issue directions to the assessing authorities or the appellate authorities in the matter of deciding disputes between the persons who are called upon to pay duty and the department. It is true that the assessing authorities as well as the appellate authorities are judges in their own cause; yet when they are called upon to decide disputes arising under the Act they must act independently and impartially. They cannot be said to act independently if their judgment is controlled by the directions given by others. Then it is a misnomer to call their orders as their judgments; they would essentially be the judgments of the authority that gave the directions and which authority had given those judgments without hearing the aggrieved party. The only provision under which the Board can issue directions is r. 233 of the Rules framed under the Act. That rule says that the Board and the Collectors may issue written instructions providing for any supplemental matters arising out of these Rules. Under this rule the only instruction that the Board can issue is that relating to administrative matters; otherwise that rule will have to be considered as ultra vires s. 35 of the Act.

(iii) Babua Ram and Others Vs. State of U.P. and Another, , wherein, the Apex Court has held as follows:

17. In Collin''s English Dictionary, the word "aggrieved" has been defined to mean "to ensure unjustly especially by infringing a person''s legal rights". In Webster''s Comprehensive Dictionary, International Edition at page 28, aggrieved person is defined to mean "subjected to ill-treatment, feeling an injury or injustice. Injured, as by legal decision adversely infringing upon one''s rights". In Stroud''s Judicial Dictionary, 5th Edn. Vol. 1, Pages 83-84, person aggrieved means " person injured or damaged in a legal sense". In Black''s Law Dictionary, 6th Edn. At page 65, aggrieved has been defined to mean " having suffered loss or injury; damnified; injured" and aggrieved person has been defined to mean:

" One whose legal right is invaded by an act complained of, or whose pecuniary interest is directly and adversely affected by a decree of judgment. One whose right of property may be established or divested. The word " aggrieved" refers to a substantial grievance, a denial of some personal, pecuniary or property right, or the imposition upon a party of a burden or obligation".

(iv) N. Krishnaraju Reddiar and Others Vs. Authorised Officer, Land Reforms, Vellore and Others, , wherein the Division Bench of this Court held that the Authorised Officer has the power to decide questions of title under Madras Act LVIII of 1961.

34. Countering the submissions made by the learned Senior Counsel for the petitioner, Mr. A.L. Somayaji, the learned Advocate General appearing for the respondent submitted that the Government Order was passed only in the interest of general public and that no provision of Tamil Nadu Land Reforms Act has been

violated. The learned Advocate General submitted by implementation of the Government Order with the involvement of District Revenue Administration including Survey Staff, the authorities will have more man power to discharge the duties speedily.

35. By way of formation of one Land Reforms Unit at each Collectorate and by entrusting the work of Land Reforms to the 79 Revenue Divisional Officers in the State, the public will have easy access for redressal of their grievances related to Land Reforms and they will have much less distance to travel to reach Revenue Divisional Officer''s Office. To reach the Assistant Commissioner''s Office, at times even more than 300 kms of travel is involved and now they will have easy access to Revenue Divisional Officer''s office which will be within a reach of 50 kms at a maximum.

36. The learned Advocate General further submitted that it was considered to look at the delivery system itself and also to bring about a systemic change to bring the Land Reforms Department in tune with the Departments of Revenue Administration and Land Administration that function through the District Administration and Revenue Units thereunder, so that there is coordinated working and the work of Land Reforms has been entrusted to District Administration and Revenue Divisional Officers in each division in the State, by Re-structuring of Land Reforms.

37. It is also contended that the re-structuring of Land Reforms was done only after elaborate study and after taking into consideration of various factors. By notifying the Sub-Collectors/Revenue Divisional Officers as " authorised Officer" under the Land Reforms Act, the discharge of functions by "authorised officer" will be much more effective and it would enable better implementation of the Act and Rules, as the Taluk office staff right from the Village Assistant, Village Administrative Officer etc., upto the level of Tahsildars are under the direct control of Revenue Divisional Officers. As per the provisions of the Act, the Government may, by notification, authorise any Gazetted Officer and confer the powers of '' authorised officer''. The learned Advocate General also contended that the petitioner has no locus-standi to file the present writ petition, challenging the policy decision of the Government.

38. The learned Advocate General submitted that this Court in WP No. 2802 of 2015 dated 5.2.2015 had already rejected the prayer sought for in the writ petition to quash the impugned Government Order in G.O. Ms. No. 34 Revenue (LR.I(2)) Department dated 14.1.2015. Therefore, the writ petition is liable to be dismissed.

39. In support of his contention, the learned Advocate General has relied upon the judgment of the Apex Court reported in P.U. Joshi and Others Vs. The Accountant General, Ahmedabad and Others, , wherein the Apex Court has held as follows:

10. We have carefully considered the submissions made on behalf of both

parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.

40. On a careful consideration of the materials available on record and the submissions made by the learned Senior Counsel for the petitioner and the learned Advocate General for the respondents, it could be seen that the petitioner has filed the writ petition stating that he was assigned with wet land in S. No. 109 to an extent of 1 acre under category 5(i)(vi) with reference to cultivating tenants holding less than 3 acrs dry or 1 1/2 acres of wet land, at Vattampakkam Village, Sriperumbudur Taluk as per the proceedings of Special Tahsildar (Land Reforms), Kancheepuram.

41. According to the petitioner, he was assigned with land as early as in the year 1980 under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, however, according to the petitioner, he was not issued with patta for the land assigned to him thereafter and there are no entries made in the revenue records with reference to the land assigned in his favour. Further, the petitioner has stated that after the assignment of land, the petitioner was making constant representations to the Assistant Commissioner (Land Reforms) Villupuram District, who is the competent authority, for issuance of patta under the provisions of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. Further, the petitioner has stated that his application for issuance of patta is under consideration from the year 1997 upto till date without any progress.

42. In the affidavit, the petitioner has also stated that in the month of January 2015, when the petitioner approached the office of the second respondent, he came to know that the State Government is taking steps for reconstructing the Land Reforms Department by abolishing the office of Assistant Commissioner (Land Reforms) with effect from 31.1.2015 and all the works are entrusted to the Revenue Divisional Officer (RDO) in each division to discharge the functions as Authorised Officer under the provisions of the Act.

43. The petitioner has also stated that the Government Order dated 14.1.2015 in G.O. Ms. No. 34 Revenue Department dated 14.1.2015 has been issued in a hurried manner for restructuring the Land Reforms Department by disbanding the office of "Assistant Commissioner" and the petitioner has also contended that restructuring of the Land Reforms Department is against the interest of the general public and the same will affect the implementation of the provisions of the Act 58 of 1961 and the Rules thereunder.

44. When the petitioner himself has stated that he has not been issued with patta for the land assigned to him as early as in the year 1980 under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965 and that his application for issuance of patta is under consideration from the year 1997 upto till date without any progress, then by no stretch of imagination, the petitioner can support the existing system for the reason that his application for issuance of patta is pending for consideration from the year 1997 i.e., for nearly 18 years. When that being the case, he cannot contend that the proposed restructuring of the Land Reforms Department would affect the implementation of the provisions of the Act and that it is against the interest of the public.

45. It has been specifically stated by the respondent that only in the interest of general public, the best possible administrative set up has been created by way of Government Order. At present, the Land Reforms Department, headed by 6 Assistant Commissioners (Land Reforms) looking after 31 districts with 79 Divisions, on an average 13 divisions per Assistant Commissioner. However, by way of restructuring the Land Reforms Department, the work has been entrusted to 79 Revenue Divisional Officer with 1 division per Revenue Divisional Officer and 31 Additional Personal Assistant (Land) to Collector in 31 Districts.

46. One can understand if the petitioner''s grievance in getting the patta for his land had been addressed in the shortest possible time in the existing system, then he could support the existing system, but in the present case, even after a lapse of 18 years from the date of his application, the patta has not been issued to the petitioner, which would clearly establish the defect in the implementation of the existing system by the Assistant Commissioner (Land Reforms).

47. In these circumstances, the petitioner has no reason to support the existing system or to oppose the proposed restructuring Land Reforms Department.

48. On a perusal of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 "Authorised Officer" has been defined as " Any Gazetted Officer

authorised by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the Authorised Officer under this Act for such area as may be specified in the notification;"

49. Under Sec. 11 of the Act, " If while considering the objections received under sub-section (5) of Section 10 or otherwise, the Authorised Officer finds that any question has arisen regarding the title of a person to any land an such question has not already been finally determined by, or is not pending before a competent Court, the Land Tribunal or other authority, the Authorised Officer may, subject to the provisions of sub-section (11)(2), decides such question summarily in such manner as may be prescribed and may pass such order as he deems fit.

50. Under Section 11(2) of the Act "Where in the opinions of the Authorised Officer the decision of a question under sub-section (1) involves a substantial question of law or of fact, he shall, for reasons to be recorded in writing refer the question to the Land Tribunal.

51. Under Sec. 78 of the Act "Against any decision of the Authorised Officer, the Government may within ninety days from the date of the decision and any person aggrieved by, such decision, may within thirty days from the date of such decision, appeal to the Land Tribunal"

52. Under Sec. 82 of the Act "The Land Commissioner may call for and examine the record of any Authorised Officer in respect of any proceeding under Section 7(3), 12, 13, 14(1), 14(2), 17(3), 18(4), 50(5) or 50(9) or the record of any proceeding under the Act not being a proceeding in respect of which a suit or an appeal to the Land Tribunal is provided by this Act to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon;

53. Under Sec. 109 of the Act "The Government may, by notification, direct that any power exercisable by the Land Commissioner or any Authorised Officer, under this Act or the Rules made thereunder, shall in relation to such matters and subject to such conditions as may be specified in such notification, be exercisable also by such officer or authority subordinate to the Government, as may be specified in the notification". Therefore, under Sec. 109 of the Act, the Government may delegate the power exercisable by the Land Commissioner or any Authorised Officer or authority subordinate to the Government as may be specified in the notification.

54. In the Impugned Government Order, to enable better implementation of the Law relating to Land Reforms, Co-ordinated functioning in the Revenue Department and to strength the delivery system, the Land Reforms work has been entrusted to the Officers of the Revenue Department is in no way against the provisions of the Land Reforms Act. This is a policy decision taken by the Government after taking into consideration all the factors for re-structuring the Land Reforms Department in order to remove the difficulties faced by the beneficiaries. By implementing the re-structuring of Land Reforms Department,

the Government expect that the same would enable the grievance of the public to be effectively and speedily redressed.

55. The Revenue Divisional Officer with jurisdiction of one division will be in a better position to redress the grievance of the public speedily as against the present set of Assistant Commissioners having vast jurisdiction 3 to 8 Districts. Further, as submitted by the respondents, the public will have easy access as their travelling time will be cut down considerably. By restructuring Land Reforms Department, the beneficiaries can reach the Revenue Divisional Officer''s Office within 50 kms distance, whereas the beneficiaries have to travel more than 300 kms to reach the Assistant Commissioners office, since the Assistant Commissioners are having vast jurisdiction of 3 to 8 districts.

56. The contention of the learned Senior Counsel appearing for the petitioner that the quasi judicial work of the Revenue Divisional Officer/Authorised Officer cannot be monitored by the District Collector or the District Revenue Officer. In clause 23 of G.O. Ms. No. 34 dated 14.1.2015 it has been stated that the District Collectors and District Revenue Officers are to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

57. The respondents submitted that the monitoring by the District Collector and the District Revenue Officer will be only with regard to the Administrative functioning of the Revenue Divisional Officer and not with regard to the quasi judicial work of the Revenue Divisional Officer.

58. The quasi judicial work of the Revenue Divisional Officer cannot be monitored by any Officer, as held by the Apex Court in the judgment reported in Orient Paper Mills Ltd. Vs. Union of India (UOI),

59. In the case on hand, the District Collector and the District Revenue Officer are authorised to monitor the administrative work of the Revenue Divisional Officers. Such being the case, the contention of the petitioner that the District Collector and District Revenue Officers are going to monitor the quasi-judicial work of the Revenue Divisional Officer cannot stand.

60. By restructuring Land Reforms Department, the work has been entrusted to 79 Revenue Divisional Officer with 1 division per Revenue Divisional Officer. The respondents have also submitted that the total strength of the staff in all 6 officers of the Assistant Commissioners is 132 as against the total strength in the District Administration of 50878 which includes field staff in the office of the Assistant Commissioner (Land Reforms) from the cadre of Assistant/Revenue Inspector to the level of Deputy Collectors as against the staff in the District Administration from the cadre of Village Assistant, Village Administrative Officer, Assistant/Revenue Inspector to Deputy Collector/District Revenue Officer and District Collector of more than 45,315.

61. Considering all these issues, it was decided by the Government to look at the

delivery system itself and also to bring about the delivery system itself and also to bring about a systemic change to bring the Land Reforms Department in tune with the Departments of Revenue Administration and Land Administration that function through the District Administration and Revenue Units thereunder, so that there is coordinated working and the work of Land Reforms has been entrusted to District Administration and Revenue Divisional Officers in each division in the State, by Re-structuring of Land Reforms.

62. Therefore, by entrusting the work of Land Reforms to the Revenue Divisional Officer, redressal of grievance to the issuance of patta, entries in the revenue records will be faster than by Assistant Commissioner (Land Reforms) as the Taluk Office is under the direct control of the Revenue Divisional Officer and also the appeal lies before the Revenue Divisional Officer against the orders passed by Tahsildar under Sec. 12 of the Tamil Nadu Patta Pass Book Act 1986.

63. By notifying the Sub-Collectors/Revenue Divisional Officers as ''authorised officer" under the Land Reforms Act, the discharge of functions of "authorised Officer" will be much more effective and it would enable better implementation of the Act and Rules. The verification of land particulars could be done faster as the details are available in the revenue records maintained by the Village Administrative Officer and Tahsildar, the enquiry could also be completed quickly, inspection of lands could also be done speedily.

64. Since the Taluk Office staff are under the direct control of the Revenue Divisional Officer, while entrusting the work of Land Reforms to the District Administration and notified the Revenue Divisional officers as "authorised Officer", the implementation of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land), Act 1961 could be effectively done as the work of Land Reforms will be implemented and monitored by 79 Revenue Divisional Officers supported by 1577 Tahsildars, 1981 Deputy Tahsildars, 6814 Assistants/Revenue Inspectors, 12614 Village Administrative Officers and 17144 Village Assistants.

65. It is also submitted by the respondents that presently as against 1168 files on an average per Assistant Commissioner(Land Reforms) and 7009 files for 6 Assistant Commissioners, now the files will come to 88 per Revenue Division on an average and therefore, it will be quite manageable to deliver services effectively and speedily. The Government Order will strengthen the delivery of Land Reforms from a set up of 6 Deputy Collectors for 31 Districts to 31 District Collectors, 31 District Revenue Officers, 79 Revenue Divisional Officers and 31 Additional Personal Assistant (Land) to Collector for 31 Districts, totalling 172 Officers of level of Deputy Collector and above who form part of the Revenue Administration in the State instead of 6 Assistant Commissioners of level of Deputy Collector having jurisdiction of 3 to 8 districts. Therefore, the entire Revenue Department of the District from the level of Deputy Collector to Village Assistant are being involved by virtue of the Government Order.

66. Therefore, it is clear that the Government have ordered to re-structure the

Land Reforms only to enable better implementation of the Law relating to Land Reforms, coordinated functioning in the Revenue Department, ensure accountability, leading to improved service delivery and intended benefits as per the various Acts and Rules to reach the entitled persons.

67. As contended by the learned Advocate General, the question relating to the Constitution, pattern, nomenclature of posts, cadres, categories, their creation/ abolition, prescription of qualifications and pertain to the field of policy is within the exclusive discretion and jurisdiction of State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method or impose itself by substituting its views for that of the State.

68. When the present re-structuring of the Land Reforms is the policy decision of the Government, the same cannot be interfered by this Court in this writ petition unless the same is against the Provisions of the Constitution of India. In the case on hand, when the petitioner is not in a position to point out that the Government Order issued by the Government issued against any principles of the Constitution of India, the policy decision of the Government cannot be challenged by the petitioner.

69. In the unreported judgment relied upon by the learned Advocate General in WP No. 2802 of 2015 dated 5.2.2015, this court had already declined to quash the impugned G.O. Ms. No. 34 dated 14.1.2015.

70. In these circumstances, I do not find any reason to interfere with the impugned Government Order in G.O. Ms. No. 34 Revenue (LR.I(2)) Department dated 14.1.2015.

71. In the result, the writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Mps are closed.

