

**(1976) 04 MAD CK 0008**

**In the Madras High Court**

**Case No : Writ Petition No. 6766 of 1975**

K. Ramakrishnan

APPELLANT

Vs

The Authorised Officer (Land Reforms) Madurai and others

RESPONDENT

**Date of Decision : 20-04-1976**

**Acts Referred:**

**Citation : (1976) 04 MAD CK 0008**

**Hon'ble Judges : Mohan, J**

**Bench : Single Bench**

**Advocate :** J. Kanakaraj of M/s. Raj and Raj, for the Appellant; K. Krishnamurthy for Respts. 5 and 6 and Mr. S. Ramalingam, Asst. Govt. Pleader on behalf the Respts. 1 to 4, for the Respondent

## Judgement

Mohan, J.—An extent of 5.86 acre of wet land became surplus under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules,

1965. A question arose as to the assignment of that land. The Authorised Officer preferred the writ petitioner and made an assignment in his favour

which order was confirmed by the District Revenue Officer whereupon respondents 5 and 6 preferred revisions to the Board of Revenue. The

Board set aside the order of allotment in favour of the writ petitioner, allotted the lands in favour of all the three namely the writ petitioner and

respondents 4 and 5 and directed the sub divisions of those extent into three plots. The matter was taken to the Government in revision. That was

dismissed on 29th September 1975. It is the orders of the Board of Revenue and the Government that are attacked in this writ petition by filing a

Writ of Certiorari. The stand taken in the affidavit is that for valid reasons, namely, that the writ petitioner was a Harijan, he was preferred. Since it

was found that all the three were equally placed, the Board should not have

interfered with that order. The Government erred in not interfering with that order in revision. In the counter affidavit, it is stated that the writ petitioner is employed as a jeep driver in the Collectorate at Madurai and lives far away from the place where the lands are situate. Therefore the handicap under which respondents 5 and 6 would suffer being active military personnel, would equally apply to the writ petitioner. If that is so, all the three are equally placed and in that view the order of the Board of Revenue is correct and no interference is warranted in revision by the Government. No doubt, the District Revenue Officer when he confirmed the order of assignment in favour of the writ petitioner choosing him on the ground of Harijan, certain important facts came to light which weighed that the Board of Revenue, namely that the petitioner was employed elsewhere, i.e., away from the lands at Madurai as a jeep driver. Having regard to that employment, it would not be possible for him to cultivate personally unless he makes the other members of the family to contribute their physical labour. The same amount of contribution could be done by respondents 3 and 6 albeit the fact that they were active military personnel. Therefore, the Board found that all the three were equally placed and in the interest of equity, directed the assignment in favour of all the three. To my mind it appears that the distinction sought to be placed by the District Revenue Officer as Ex-Serviceman and active military personnel is nothing more than the distinction between Lilliputan and Lilliputan. The Board by its amplitude of revisional powers, can examine the correctness, legality and propriety of the order and in so doing it baa done an equitable assignment. I am unable to see any error of law warranting interference in the Writ of Certiorari. Accordingly it will stand dismissed. However, there will be no order as to costs.