
(1983) 02 MAD CK 0041
In the Madras High Court
Case No : C.R.P. 4632 of 1981

R. Rajangam Pillai

APPELLANT

Vs

Authorised Officer (Land Reforms), Mayuram

RESPONDENT

Date of Decision : 03-02-1983

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Citation : (1983) 02 MAD CK 0041

Hon'ble Judges : Swamikkannu, J

Bench : Single Bench

Advocate : M.K. Kabir, for the Appellant; G. Jermiah for Addl. Govt. Pleader, for the Respondent

Judgement

Swamikkannu, J.—The Tamil Nadu Land Reforms (Fixation Ceiling on Land) Act, 1961 (Act No. LVIII of 1961) had been enacted for providing for the fixation of ceiling on agricultural land buildings and for certain other matters connected therewith in the State of Tamil Nadu. This Act received the ascent of the President of India on 13th April, 1962 and first published in Fort St. George Gazette on 2nd March, 1962. In the instant case, the document that is relied on by the learned counsel for the revision petitioner is dated 23rd March, 1970 i.e., the date which falls within the notified date, i.e., of 15th February, 1970 and the commencement of the Act, namely, 2nd October, 1970. These dates are relevant in order to appreciate the contentions that are raised on behalf of the petitioner on the basis of S.22 of the said Act, which reads as follows--

22. Transfer or partition made on or after the date of the commencement of this Act but before the notified date -- Where, on or after the date of the commencement of this Act, but before the notified date, any person has transferred any land held by him by sale, gift (other than gift made in contemplation of death, exchange, surrender, settlement or in any other manner, whatsoever except by bequest or has effected a partition of his holding or part thereof, the authorised officer, within whose jurisdiction such land, holding or the

major part thereof is situated may, after notice to such person and other persons affected by such transfer or partition and after such inquiry as he thinks fit to make, declare the transfer or partition to be void if he finds that the transfer or partition as the case may be, defeats any of the provisions of this Act.

In this connection, it is seen that the words omitted by the Act XVII of 1970 were restored by Act VII of 1974, Transfer after the commencement of the Act and before the notified date which defeated the provisions of the Act may be invalidated by the Authorised officer. In this regard, the decision in P. Subrahmanyam Chetty and Others Vs. The Authorised Officer, Land Ceilings, Saidapet, Madras and Others, , is relevant which deals with the provisions of S. 22 of the Act.

2. The learned counsel for the revision petitioner would submit that the effect of a document dates back to the date of the document though it might be subsequently registered. It is not the date of the registration that will have any bearing regarding the effect of the said documents. This proposition is a well laid one and it does not require any authority. Anyhow the learned counsel for the revision petitioner herein relies for this position of law on the decision reported in Venkataraman Reddi and others v. Pillai-Rama Reddi and others 40 Mad. 204, and Authorised Officer, Thanjavur and another v. S. Naganatha Aiyar and others 1979-3-S.C.C. 466.

3. It is pointed out by the learned Government Pleader that the document in question is dated 23rd March, 1970 which lies in between the date of the notification in the instant case, namely, 15th February, 1970 and the date of commencement of the provisions of the Act, namely 2nd October, 1970, and as such, the order under revision is not revisable under S. 115 C.P. Code. In the instant case, the document No. 519 dated 23rd March, 1970 was admittedly registered on 26th March, 1970. When it is common ground that the document had been registered on 26th March, 1970, and the said document had been executed only two days prior to that date, namely, 23rd March, 1970, it comes within the date of the notification as well as the date of commencement of the Act, namely, 15th February, 1970, and 2nd October, 1976 respectively. Therefore, there is no merit in this civil revision petition and the same is liable to be dismissed. Accordingly, the civil revision petition is dismissed. But, under the circumstances, there will be no order as to costs.