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**(1970) 03 MAD CK 0023**  
**In the Madras High Court**

Syed Rabia Beevi

APPELLANT

Vs

The Authorised Officer, Land Reforms and Another

RESPONDENT

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**Date of Decision :** 10-03-1970

**Acts Referred:**

**Citation :** (1971) ILR (Mad) 750 : (1970) 83 LW 555 : (1970) 2 MLJ 700

**Hon'ble Judges :** K. Veeraswami, C.J

**Bench :** Single Bench

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## **Judgement**

K. Veeraswami, C.J.—According to the final statement published u/s 12 the surplus of the petitioner's holding was declared to standard acres 4-63. Based on this final statement a notification u/s 18(1) followed which was published in the Gazette in August, 1966. On 7th November, 1967, the authorised officer notified the petitioner that the Government had revised the ratio of conversion of ordinary acres and therefore, the petitioner's holding amounted to 40-96 standard acres and that she should surrender a further extent of 4-735 standard acres. Objections were raised to this revision, but they were overruled. The officer stated that he was competent to revise under the third proviso to Section 10(4). It is in these circumstances this petition has been taken out for prohibition.

2. We think that the petition is well-founded. The proviso to Section 10(4) has no relevance whatever to the instant situation. Section 96 no doubt contemplates conversion of one kind of land into another which should be taken into account, but, as we mentioned, the entire proceedings had been gone through resulting in the publication of the final statement followed by the notification u/s 18(1). Apparently what seems to have happened is that the authorised officer, overlooked G.O.Ms. 329, revenue, dated 10th February, 1965, when he published the final statement u/s 12 and when his attention was drawn to this he sought to revise the final statement. Section 12 itself says that the final statement published shall, subject to the provisions of Section 14, be conclusive evidence of the facts stated therein.

3. Learned Government Pleader relies on Section 15 and contends that it

conferred power upon the authorised officer, to make the revision in this case. This section is in two parts and it operates notwithstanding anything contained in Section 12 and Section 14. The first part applies to a case where the authorised officer is satisfied that a bona fide mistake has been made in regard to any entry in the final statement published u/s 12 or 14 and on such satisfaction, he can make the necessary corrections. The second part relates to correction of any clerical or arithmetical mistake in regard to any entry in such final statement. The entries referred to are to be found in form 9 prescribed under Rule 7(1) of the Madras Land Reforms (Fixation of Ceiling on Land) Rules, 1962. It has got various columns relating to serial number, District, Taluk, Village Survey number, Government or inam, wet or dry, extent, assessment, extent in standard acres, remarks and the like. The other entries are similar. It seems to us that Section 15, having regard to the language employed, does not amount to the usual power of revision. The power of revision is conventionally conferred by the Legislature by employing the words "if the officer is satisfied about the legality, propriety and correctness of the order." That is not the language of Section 15. The mistake that can be corrected u/s 15(a) is in regard to an entry in the final statement. It follows, therefore, that if the entry in the final statement is based upon the earlier decision after hearing the objections under Sections 10 and 12, it is not contemplated that Section 15 is to cover such a situation. Elaborate procedure has been laid down by Sections 10 to 12 for preparing the draft statements, hearing objections and then after disposing of the objections publishing a final statement. Any finding that is arrived at in respect of the material entries in the form would be as a result of deciding the pros and cons in the light of the objections. If that is kept in view, it is obvious that, u/s 15, it is not intended that a finding arrived at in a solemn and quasi-judicial fashion could be set at naught merely because the officer is satisfied that a bona fide mistake has been made. If that were the intention, the language employed in Section 15 would have been different. What appears to us to be the scope of Section 15 is that it applies to mistakes in the correctness not of the merits but of the form of the entry in the final statement, just as Section 15(b) is directed against clerical or arithmetical mistake.

4. On that view, we consider that the authorised officer had no jurisdiction to make the impugned order. The petition is allowed, but with no costs.