
(1989) 03 MAD CK 0078
In the Madras High Court

T. Arul Nadar

APPELLANT

Vs

The Authorised Officer, Land Reforms

RESPONDENT

Date of Decision : 31-03-1989

Acts Referred:

Citation : (1989) 1 MLJ 467

Hon'ble Judges : S. Mohan, O.C.J.

Bench : Division Bench

Judgement

S. Mohan, Officiating C.J.

1. This revision is directed against the order of Land Tribunal (District Revenue Officer) Thanjavur, who confirmed the order of the Authorised Officer (Land Reforms) Thanjavur.

2. The facts which are necessary for the disposal of the revision can be shortly stated as follows:

The petitioner held an extent of 60.28 crores of agricultural land, equivalent to 43.55 standard acres as on 6.4.1960. Later he acquired an extent of 78.86 ordinary acres on 20.10.1961 by virtue of purchase. Since he is attracted by the provisions of the Land Reforms (Fixation of Ceiling on Land) Act, (Act 58 of 1961), the Authorised officer determined his holding as 37.01 standard acres and after allowing the permitted ceiling area of 30 standard acres, the surplus land was fixed at 7.01 standard acres on 6.4.1960. In the same notification, the extent of land purchased by him was also taken into consideration and the notification was issued in the gazette on 28.2.1973 to the effect that there was surplus land by virtue of the purchase to the extent of 12.27 standard acres. On a revision filed by the petitioner, the Land Commissioner remanded the case to the Authorised Officer for fresh disposal holding that the extent purchased up him on 20.10.1961 should have been dealt with u/s 7 and included in the revised draft statement prepared on 27.3.1971. The Authorised Officer after remand made necessary inspection and enquiry and held that the total surplus as on

6.4.1960 is 7.01 standard acres and as on 20.10.1961 12.27 acres. So the total surplus was 19.28 standard acres. The petitioner herein filed objections contending inter alia that the land which was acquired by him on 20.10.1961 ought not to have been taken into consideration as surplus under Act 17 of 1970. It was further contended that he has transferred some of the lands to his minor sons under settlement deeds dated 28.4.1970 and 2.5.70 and those transfers are valid u/s 21-A of the Act. Further, in view of Explanation II(b) of Section 3(14) of the Act minor sons are not member's of the family and that if the said objections are accepted, there would not have been any surplus. The Authorised Officer rejected the above contentions. Aggrieved by the same, the petitioner has preferred an appeal. He was unsuccessful. Hence this revision.

3. The learned Counsel for the petitioner reiterated the same objections in this revision. According to him, there cannot be two dates for fixing the surplus. Under the Act, the Authorised Officer is entitled to fix the ceiling only on 6.4.1960 and he is not entitled to fix another date 20.10.1961 for holding that there was surplus land and as such, the revised holding and proposed notification arrived at by the authorised officer is illegal and improper. Learned Counsel for the petitioner drew my attention to Section 8 of the Act and submitted that the person holding land in excess of ceiling limit is to file a return. Under this Section, only in respect of land which is in existence on the date of the commencement of the Act, the return has to be filed and the commencement of the Act was 6.4.1960 and as such the Authorised Officer is not entitled to fix another date for the purpose of declaring surplus land under the petitioner. Section 7 of the Act reads as follows:

On and from the date of the commencement of this Act, no person shall, except as otherwise provided in this Act, but subject to the provisions of Chapter VIII be entitled to hold in excess of the ceiling area.

Thus there is a provision for amendment of final settlement which is made u/s 12 and as such, it cannot be said that even though a ceiling was fixed on the basis of the land existing at the commencement of the Act, the holder is not entitled to acquire any land subsequent to the same and if he does so, the authorities are entitled to take into consideration and amend the final notification declaring the excess in his holding. As such, there is no question of fixing the ceiling on one day only as contended by the learned Counsel for the petitioner. Next it was argued by the learned Counsel for the petitioner that the amendment Act 17 of 1970 is operative from 15.2.1970 and u/s 21-A of the amended Act, any voluntary transfer by any parent of any land to any minor son between 15.2.1970 and 2.10.1970 shall be valid and in the instant case the two settlement deeds executed by the petitioner in favour of his minor sons were between the two dates and as such the transfers are valid u/s 21-A of the Act and they should be excluded from the ceiling. Further, under Explanation II to Section 3(14), minor sons ceased to be members of the family. The Authorised Officers as well as the Land Tribunal relied on the decision of this Court in

C.R.P.Nos. 2244 and 2313 of 1972 S. Raja Iyengar and Anr. v. The Authorised Officer, Land Reforms, Madurai ILR (1975)2 Mad. 420 and rejected this contention holding that since the present proceedings came prior to the commencement of the Reduction Act, the ceiling area is to be fixed only in accordance with the provisions of Act 58 of 1961 and not in accordance with the Reduction Act 17 of 1970 and that the petitioner is not entitled to the benefit u/s 21-A and Explanation II to Section 3(14) which was also introduced by the amended Act 17 of 1970.

4. It is not in dispute that the proceedings were initiated against the petitioner under the Principal Act 58 of 1961. It is also not in dispute that the transfers were affected only in between the two dates mentioned in Section 21-A of Act 17 of 1970. The only question that now arises for consideration is whether Section 21-A of Act 17 of 1970 is applicable to the two settlement deeds executed by the petitioner in favour of his two minor sons. It is observed in the order passed by the Authorised Officer that the judgment in C.R.P. No. 1197 of 1971 was superseded by the decision in C.R.P.Nos. 2244 and 2513 of 1972. The decision in C.R.P. No. 1197 of 1971 is repotted in Fakir Mohamed and Anr. v. The State of Tamil Nadu represented by the Collector of Thanjanir 1973 T.L.N.J.440. A Division Bench of this Court consisting of Kailasam and N.S. Ramaswami, JJ. had occasion to consider the scope of the application of Sections 3 and 21-A of the amended Act 17 of 1970 to the proceedings commenced under the old Act of 1951 and held as follows:

The question is, even if that extent has been transferred to the unmarried daughter, whether such transfer has to be ignored in fixing the ceiling area. That depends upon the interpretation of Sub-section (2) of Section 3 of the amending Act. It is u/s 3 of the Amending Act, the ceiling area is reduced from 30 standard acres to 15 standard acres. But, it is under the same Section, Section 21-A has been introduced in the Principal Act. The modification effected by Section 2 of amending Act is not only the reduction of the ceiling area, but also the introduction of Section 21-A in the principal Act. The reduction of the ceiling should be read with Section 21-A. In other words, the reduction is subject to Section 21-A introduced by the Amending Act That means even in respect of proceeding which commenced under the old Act, the affected person can take advantage of the provisions contained in the Section 21-A. There-fore, if a transfer in valid u/s 21-A, that cannot be ignored in fixing the ceiling area, just because the proceedings had been commenced under the provisions of the principal Act. The land allotted to the unmarried daughter has to be taken into consideration in fixing the ceiling area in proceedings before the Land Tribunal. To this extent, the civil revision petition is allowed.

C.R.P. Nos. 2244 and 2313 of 1972 referred to (sic) the orders passed by the Authorised Officer as well as the Land Tribunal is reported in S. Raja Iyengar and Anr. v. The Authorised Officer, Land Reforms, Madurai ILR (1973)2 Mad. 420. In the above quoted case, the family of Raja Iyengar held 50.84 standard acres, out

of which 27.16 acres are in the name of Raja Iyengar himself. 6.44 acres are in the name of his wife and 17.24 acres are in the name of Sathiammal, the unmarried daughter, the petitioner in C.R.P. No. 2313 of 1972, and those lands belonged to her by virtue of a settlement deed executed in her favour by her grand-parents in the year 1959. Proceedings were started under Act 58 of 1961, in which the land of Raja Iyengar was also included in fixing the ceiling area and it was found that there was a surplus of 7.24 standard acres. But while the appeals were pending against the order of the Authorised Officer before the Land Tribunal, Amended Act 17 of 1970 came into force. By virtue of the amended Act Explanation II to Section 3(13) was introduced and it defined the word "family". The question is, whether that Explanation is applicable to the petitioner in the above revision petition. Reliance was placed on the decision of the Division Bench reported in Fakir Mohamed and Anr. v. The State of Tamil Nadu represented by the Collector of Thanjavur 1973 T.L.N.J.440, N.S. Ramaswami J., who was also a party to the above bench decision, rendered the judgment in this case also, and he has observed about the purport of the bench decision as follows:

But what was meant in that decision was that if by virtue of Section 3(2) of the Reduction Act the ceiling area is ought to be fixed in accordance with the provisions of the Reduction Act, then such reduction of the ceiling area can be only subject to Section 21-A, the introduction of which is one of the modifications made by the Reduction Act. It was observed: "It is u/s 2 of the Amending act (Reduction Act) the ceiling area is reduced from 30 standard acres to 15 standard acres. But it is under the same Section, Section 21-A, has been introduced in the Principal Act (Land Reforms Act). The modification effected by Section 2 of the Amending Act is not only the reduction of the ceiling area, but also the introduction of Section 21-A. In other words, the reduction in subject to Section 21-A, introduced by the Amending Act. That means even in respect of proceedings which commenced under the old Act. The affected person can take advantage of the provisions contained in Section 21-A. Therefore, if a transfer is valid u/s 21-A, that cannot be ignored in fixing the ceiling area just because the proceedings had been commenced under the provision of the principal Act."

After quoting the relevant portion of the observation in the Bench decision, the learned Judge has observed:

It would be clear that these observations were made on the assumption that in the proceedings even though taken prior to the coming into force of the Reduction Act, the ceiling area would be reduced to 15 standard acres by virtue of Section 3(2) of the Reduction Act. Therefore, it was pointed out that the modification effected by Section 2 of the Reduction Act being not only reduction of the ceiling area from 30 standard acres to 15 standard acres but also other modification such as the introduction of Section 21-A, while reducing the ceiling area to 15 standard acres all the other modifications have also to be given effect to (even though the proceedings might have been taken prior to the commencement of the Reduction Act). But in the present proceedings taken prior

to the commencement of the Reduction Act the ceiling area is fixed only as per the provisions of the Land Reforms Act and not in accordance with the Reduction Act. As and when the ceiling area is sought to be fixed as per the provisions of the Reduction Act (whether the proceedings were commenced prior to the commencement of the Reduction Act or not), then naturally all the modifications introduced by Section 2 of the Reduction Act have to be given effect to.

The learned Judge rendered a decision in *K.K. Harihar Iyer v. The Authorised Officer, Land Reforms, Tirunelveli* 1974 T.L.N.J. 215 wherein he held: that the son of the revision petitioner, who attained majority on 1st October 1970, a day prior to the notification of the Reduction Act, 17 of 1970, will be a member of the person concerned on the ground that the principle enunciated by the Division Bench in C.R.P. No. 1197 of 1971 regarding the interpretation of Section 3(2) of the Amending Act cannot be extended further and there is no warrant for the contention that in the present case even though proceedings had commenced very much prior to the coming into force of the Amending Act, the notified date should be taken to be 2.10.1962. In the case under reference, namely, *S. Raja Iyengar and Anr. v. The Authorised Officer, Land Reforms Madurai* ILR (1975)2 Mad. 420 it was finally held "that the settlement in favour of Sathimani, the petitioner, is said to be in the year 1959. and that it is undoubtedly prior to the notified date, second October, 1970 contemplated by the Reduction Act. But the question of applying Explanation II of Section 3(14) does not arise in the present proceedings, because, as already seen, the ceiling area has been fixed only as per the provisions of the Land Reform Act and not in accordance with the Reduction Act." In the above two cases N.S. Ramaswami, J. held that though the definition given in Explanation II of Section 3(14) will apply to the person, it does not apply to the proceeding because the ceiling area has been already fixed under the provisions of the Land Reform Act 58 of 1961 and not in accordance with the Reduction Act. Even though he has reiterated even in respect of proceedings prior to the Reduction Act, Section 21-A has to be given effect to. My attention was drawn to later decisions of the Division Bench as well as Single Bench of this Court. The learned Government Pleader drew my attention to the decision reported in *T.M Abdul Gani Vs. State of Tamil Nadu and Others*, . That decision was rendered by M.M. Ismail, J. (as he then was). The facts involved in the said case are: The family of the petitioner consisting of himself, his wife, three minor sons and two unmarried daughters together held lands of an extent of 193.93 ordinary acres equivalent to 131.37 standard acres. Proceedings were instituted under the Land Reform Act 58 of 1961 and a petition was filed to quash the order of the Land Tribunal. It was contended in that case that the terms "family" in Section 3(14) of the principal Act 1961 has been amended by virtue of Act 17 of 1970 and the properties settled on three minor sons and the unmarried daughter prior to the notified date should be excluded from the holding of the family and that the family should be treated as including the petitioner, his wife and the other unmarried daughter. The learned Judge after extracting, the relevant provisions of the Explanation newly introduced to Section

3(14) and also Section 12 of the Tamil Nadu Act 17 of 1970 held:

The said contention is without substance, Sub-Section (1) of Section 3(14) of the Tamil Nadu Act 17 of 1970 clearly shows that any action taken prior to the coming into force of the Tamil Nadu Act 17 of 1970 will have to continue and will take effect under the provisions of the Principal Act as if that Act had not been amended under Tamil Nadu Act 17 of 1970. Consequently since the order was passed u/s 10(5) of the principal Act prior to coming into force of the Act 17 of 1970 and at the time when that Act came into force the appeal preferred by the petitioner to the Land Tribunal was pending could determine the surplus only on the basis of the principal Act 58 of 1961 without reference to the Tamil Nadu Act 17 of 1970.

The learned Judge also repelled the contention that Sub-section (1) of Section 3 of the amended Act 70 of 1971 is subject to the provisions contained in Sub-section (2) of that section on the ground that Sub-section (2) of Section 3 of the Tamil Nadu Act merely provides that even with regard to a person who once falls within the scope of Sub-section (1), he will not be entitled to hold after 15th February 1970, the land in excess of the ceiling area under the principal Act as modified by Section 2 and the provision of the principal act as modified by Section 2 shall, after the said date, apply to such person. It is made clear in the above decision that the principal object of Act 17 of 1970 is only to reduce the ceiling limit of 30 standard acres provided for in the principal Act to 15 standard acres. The object of Section 3(2) of Act 17 of 1970 is to give effect to this reduced ceiling limit with effect from 15th February, 1970 and therefore provides that even when the ceiling limit to any person is determined with reference to the provisions of the principal Act 1961, u/s 3(1) of Act 17 of 1970 still because of the over riding effect flowing from Section 3(2) of the latter Act, such person can hold land after 15th February, 1970 only subject to the reduced ceiling limit prescribed in Act 17 of 1970. In the above quoted case, it was finally held that "the Land Tribunal has rightly applied Sub-section (1) of Section 3 of the Tamil Nadu Act 17 of 1970". The above decision came up for appeal in WA. No. 181 of 1974 before K. Veeraswami, C.J. and Natarajan, J. and they upheld the view taken by Ismail, J. in the above quoted case and dismissed the writ appeal. While interpreting Section 2 of amending Act, the Bench observed

In our opinion these words do not imply that it will have effect from the inception of the principal Act. When the section says that the amending Act shall effect amendment to the principal Act with effect from the specified date we cannot read the section to mean that the amendment will have the effect as from the inception of the principal Act itself. Amending Section 2 has been advisedly framed in that way in order that where the family as defined by the principal Act has been applied, it should be final. For, if, by reason of the amending Act it were to be re-opened, it might result in the surplus taken over by Government over the ceiling in a particular case, being ploughed back into the hands of the minors and the category who stand excluded from the definition of the "the family" by

the amending Act.

In the decision reported in State of Tamil Nadu by the Collector of Tiruchirapalli v. C.T. Senthilnathan Chettiar 93 L.W. 85 (Summary of cases), Ratnam, J. has taken the same view taken in the above two cases. Learned Counsel for the petitioner finally drew my attention to the decision reported in Varadarajan Vs. Govindaswamy and Another, where Ramaprasada Rao, J. (as he then was), while considering the fixation of ceiling limit under the Tamil Nadu 58 of 1961 as amended by Act XLI of 1971 and the effect of taking away the exemption under the amended Act held:

The general principle of law is that supervening facts and for a greater reasons, the supervening law can also under certain circumstances be applied to arrive at a decision. On the date when the authorised officer took up the matter for consideration, he had to apply the amended law. Once the subject matter is dealt with under the amended Act, then the provisions therein have to be invoked and applied. The authorised Officer was right in having applied the amending Act" and determining the surplus.

That was a case where the landlord filed a return under Act 17 of 1970 to exclude the pasture land in his holding. But the Authorised Officer fixed the ceiling limit by applying "the provision of the Tamil Nadu Act 17 of 1971 wherein the exemption was taken away. The learned Government Advocate for the Government submitted that in view of the earlier Bench decision which has not been referred to in the subsequent Bench decision of this Court, there is unsettled position about the applicability of Section 21-A to the proceedings started under the principal Act, Tamil Nadu. Land Reform Act 58 of 1961 and similarly the other Explanation II of Section 3 of the amended Act 17 of 1970. On the other hand, the learned Counsel for the petitioner submitted that in view of the earliest decision of the Division Bench of this Court, the petitioner is entitled to the benefits conferred u/s 21-A regarding transfers effected between the two dates and that should be extended to the petitioner. It has to be noted that even if that benefit is extended then the next question would be whether the minor son is a member of the family or not and then again the question of interpretation of applicability of explanation II to Section 3(14) of the amended Act 17 of 1970 arises. If that is not applicable, then the minor became a member of the family of the petitioner and the petitioner will not be entitled to get any benefit and the petition is liable to be dismissed. I am of the view that in view of the conflicting views expressed by two Division Benches of this Court on the question of applicability of the provisions of the Amended Act 17 of 1970, it has to be decided by a fuller Bench.

5. Since I have taken the view to refer the matter to Fuller Bench, the following facts are necessary for making a reference to the Fuller Bench.

6. In Fakir Mohammed v. The State of Tamil Nadu 1973 T.L.N.J. 440 referred to above, a Division Bench consisting of Kailasam, J., and N.S. Ramaswamy, J., held

that where the Reduction Act 17 of 1970 is applied, then all the provisions of the Reduction Act including Section 21(A) has to be applied even though the proceedings were commenced under the principal Act 58 of 1961. In K.K. Harihara Iyer v. The Authorised officer, Land Reforms Tirunelveli 1914 T.L.N.J. 213 and S. Raja Iyengar v. The Authorised officer, Land Reforms, Madurai ILR (1975)2 Mad. 420 referred to above, N.S. Ramaswamy, J., who was a party to the above Division Bench, has held that where the proceedings are initiated under Madras Land Reforms (Fixation and Ceiling) Act 58 of 1961, then the Reduction Act 17 of 1970 has no application. But, the authorities can initiate fresh proceedings under the Amendment Act 17 of 1970.

7. As against the above decisions, in T.M Abdul Gani Vs. State of Tamil Nadu and Others, , Ismail, J., as he then was, held that for proceedings commenced under the principal Act namely, Act 58 of 1961, the Reduction Act cannot be applied and therefore, Section 3(14) of the Amendment Act by Act 17 of 1970 will not apply. The same was confirmed by a Division Bench consisting of Veeraswami, J., and S. Natarajan, J., in WA. No. 181 of 1974. The above decision was followed by Ratnam, J., in State of Tamil Nadu by the Collector of Tiruchirapalli v. C.T. Senthilnathan Chettiar 93 L.W. 83 (Summary of Cases) who held that Section 3(2) of the Amended Act alone will apply even where proceedings were commenced under Act 58 of 1981. Thus, there is conflict of opinion between the decisions in Fakir Mohamed and Anr. v. The State of Tamil Nadu represented by the Collector of Thanjavur (1975)T.L.N.J. 440 and W.A. No. 1.81 of 1974 and State of Tamil Nadu by the Collector of Tiruchirapalli v. C.T. Senthilnathan Chettiar 93 L.W. 63 (Summary of Cases).

8. The conflict is whether the Reduction Act 17 of 1970 is applicable to the proceedings initiated under the Principal Act 58 of 1961 and if it is so applicable whether all the provisions of the Amendment Act such as amendment to Section 3(14) and 21-A are also applicable to the said proceedings or Section 3(2) of the Amendment Act alone is applicable.

9. The papers may be placed before My Lord the Chief Justice for referring the matter to a Full Bench. And this petition having been posted for further hearing on 20th day of March, 1989 before the Hon"ble Mr. Justice Nainar Sundaram, the Hon"ble Mr. Justice Bellie and the Hon"ble Mr. Justice Thanikkachalam pursuant to the order of the Honourable Chief Justice in the presence of the said Advocates, the court made the following order:

(The Order of the Court was made by Nainar Sundaram, J.)

10. This is a reference made to Full Bench by K.M. Natarajan, J. As we could see from the order of reference by the learned single Judge, the main question that requires resolution by us is as to whether the provision of Section 21-A inserted by the Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act 17 of 1970, hereinafter referred to as the Reduction Act, into the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 58 of 1961, hereinafter referred to as the Parent

Act, is applicable to the proceedings initiated already under the Parent Act and pending at the time of coming into force of the Reduction Act. The other question relates to the applicability of amendments to effects similar to Section 21-A introduced in Section 3(14) of the Parent Act by the Reduction Act, to pending proceedings. We shall not trouble ourselves with the details of the facts of the case in view of the scope of the questions referred to for our answer. The learned single Judge, who made the order of reference to the Full Bench was obliged to do so, because he found a conflict of views on the questions between pronouncements of this Court and specifically between two pronouncements of Division Benches of this Court, other pronouncements being those of learned single Judges. The petitioner in the Revision wants to avail of Section 21-A inserted into the Parent Act by the Reduction Act so as to save certain transfers in favour of his minor sons, which according to him, will come within the purview of that provision. The petitioner also wants to say that by virtue of the amendments to Section 3(14) concerning such transfers, his minor sons would go out of the ambit of his family. By the amendments introduced by the Reduction Act into Section 3(14) of the parent Act, by virtue of transfers specified therein, minor sons and other specified persons, in whose favour the transfer are effected would fall outside the ambit of family.

Section 21-A so introduced also saves such specified transfers.

11. The general rule is when an amendment is introduced in the statute governing the case already pending, the rights and obligations of parties should be decided only according to the law, which existed when the section was begun, unless a clear contrary intention is evident in the Amending Act. There could not be imputation of retrospective operation to an Amending Act and that could be done only by the Amending Act either expressly or by necessary implication. But here we find that the Amending Act has indicated that the amendments introduced shall have only prospective operation and pending proceedings should continue as if the Amending Act had not been passed. In this context, we are bound to take note of Section 3 of the Reduction Act, which, as a whole, reads as follows:

3. Saving:(1) Subject to the provisions of subsection (2) any action taken (including any order made, notification issued decision or direction given, proceeding taken, liability or penalty incurred and punishment awarded) under the provisions of the Principal Act before the date of the publication of this Act in the Fort St. George Gazette, may be continued or enforced after the said date in accordance with the provisions of the principal Act as if this Act had not been passed.

(2) Nothing in Sub-section (1) shall be deemed to entitle any person whether or not such person is a party to any proceeding mentioned in Sub-section (1) to hold after the 15th day of February, 1970, land in excess of the ceiling area under the Principal Act as modified by Section 2 and the provisions of the principal Act as modified by Section 2 shall, after the said date, apply to such

person.

12. In *Abdul Gani v. State of Tamil Nadu* (1973)1 M.L.J. 67 Ismail J., as he then was, opined that Sub-section(1) of Section 3 of the Reduction Act clearly shows that any action taken prior to the coming into force of the Reduction Act will have to continue and will take effect under the provisions of the Parent Act as if the Parent Act had not been amended by the Reduction Act. The learned Judge also adverted to the implications of Sub-section(2) of Section 3 of the Reduction Act as follows:

The principal object of Act XVII of 1970 is to reduce the ceiling limit of 30 standard acres provided for in the principal Act of 1961 to 15 standard acres. The object of Section 3(2) of the Act XVII of 1970 is to give effect to this reduced ceiling limit with effect from 15th February, 1970, and therefore, provides that even when the ceiling limit of any person is determined with reference to the provisions of the principal Act of 1961 u/s 3(1) of Act XVII of 1970, still because of the everriding effect flowing from Section 3(2) of the latter Act, such person can held land after 15th February, 1970, only subject to the reduced ceiling limit prescribed in Act XVII of 1970. The Land Tribunal has rightly applied Sub-section(1) of Section 3 of the Tamil Nadu Act XVII of 1970, and, therefore, no interference is called for with the order of the Land Tribunal.

This pronouncement of the learned single Judge was taken on appeal in W.A. No. 181 of 1974 and the Division Bench, as pointed out by the learned single Judge in his order of reference, upheld the view of the learned Single Judge and dismissed the writ appeal. Ratnam, J., In *State of Tamil Nadu and Another Vs. C.T. Senthilnathan Chettiar*, referred to these two pronouncements while finding out the implications of Section 3 of the Reduction Act.

13. In contrast, we have the pronouncement of another Division Bench of this Court in *Fakir Mohamed and Anr. v. The State of Tamil Nadu* represented the Collector of Thanjavur C.R.P. No. 1197 of 1971, Order dated 26.3.1973-concisely reported in 1973 T.L.N.J. 440 wherein the view expressed seems to run contrary to the view taken in the pronouncement referred to by us above.

14. We propose to go by the plain language of Section 3 of the Reduction Act-Section 3 of the Reduction Act speaks about "saving". Sub-section (1) of Section 3 of the Reduction Act alone is relevant and by plain and unambiguous language, it contemplates that the proceedings taken under the provisions of the Parent Act before the publication of the Reduction Act will have to be continued in accordance with the provisions of the Parent Act as if the Reduction Act had not been passed. By the very force of its language, Sub-section (1) of Section 3 of the Reduction Act settles the issue beyond controversy. There is no escape from it when in effect it says that pending proceedings have got to be continued as if the provisions introduced by the Reduction Act are not there. This is the implication, which, in our view has been rightly taken note of by the learned single Judge in *T.M Abdul Gani Vs. State of Tamil Nadu and Others*, and which

view of the learned single Judge has been confirmed by the Division Bench in W.A. No. 181 of 1974. We must straightway point out that in *Fakir Mohamed and Anr. v. The State of Tamil Nadu* represented by the Collector of Thanjavur C.R.P. No. 1197 of 1971, Order dated 26.3.1973, concisely reported in 1973 T.L.N.J. 440, there is no advertance to the implications of Sub-section (1) of Section 3 of the Reduction Act though there is a reference to Sub-section (2) of the Section 3 of the Reduction Act. Sub-section (2) of Section 3 of the Reduction Act merely speaks about the reduced ceiling limit with effect from 15.2.1970. It does not concern with the savings that could be asked for u/s 21-A and the amendments to Section 3(14) introduced by the Reduction Act into the Parent Act. Learned Counsel for the petitioner wanted to hang on to Section 21-A inserted by the Reduction Act into the parent Act. This approach is not at all sound and is the result of a fallacious thinking. When we take note of the language of Sub-section (1) of Section 3 of the Reduction Act which contemplates that the proceedings already initiated under the Parent Act will have to be continued as if the provision introduced by the Reduction Act are not there, there need not be any resort to Section 21-A inserted by the Reduction Act into the parent Act to take any guidance on the question. Our attention was also drawn to other pronouncements which have not touched the present question and we do not propose to refer to them. This being the implications of the provisions of Section 3 of the Reduction Act, we are obliged to uphold the view expressed by the learned single Judge in *T.M Abdul Gani Vs. State of Tamil Nadu and Others*, and upheld by the Division Bench in W.A. No. 181 of 1974 and any view found contrary to the same in *Fakir Mohamed and Anr. v. The State of Tamil Nadu* represented by the Collector of Thanjavur C.R.P. No. 117 of 1971, Order dated 26.3.1973, concisely reported in 1973 T.L.N.J. 440, or any other pronouncement of this Court stands overruled. The learned single Judge in his order of reference want us to answer also as to the applicability of similar amendments to Section 3(14) of the Parent Act, introduced by the Reduction Act, to pending proceedings. In view of our above discussion, we answer that pending proceedings will have to be continued without reference to the said amendments. We answer this reference as above. Now we have answered the references, the Revision will have to go before the learned single Judge, who has to deal with the same on merits. We make no order as to costs.

15. And this petition having been posted this day before the Hon"ble Mr. Section Mohan, Officiating Chief Justice pursuant to the order of this Court dated 20.3.87 in the presence of the said Advocates, the court made the following order.

16. "In view of the ruling of the Full Bench, the Civil Revision Petition is dismissed. No costs".