
(1979) 10 MAD CK 0042

In the Madras High Court

Case No : C.R.P. No's. 459, 460 and 1475 of 1977

The Authorised Officer, Land Ceiling, Pondicherry

APPELLANT

Vs

Venkatasubba Reddiar and Others

RESPONDENT

Date of Decision : 23-10-1979

Acts Referred:

Citation : (1979) 10 MAD CK 0042

Hon'ble Judges : Mohan, J

Bench : Single Bench

Advocate : S. Govindaswamy, Government Pleader, Pondicherry, for the Appellant; K. Parasaran for M/s. V. Manivannan, M. Krishnappan and K. Yamunan, for the Respondent

Final Decision : Dismissed

Judgement

Mohan, J.—In all these cases, the short question that arises for my consideration is: where after the appointed date with regard to the Pondicherry Land Reforms (Fixation of Ceiling on Land) Act of 1973, namely, 24th January, 1971, and before the notified date 1st March, 1975 if minor sons become majors, whether their hold lands are liable to be excluded for the purpose of computation of ceiling of land-holding of the erstwhile family in which he was a minor. This question will have to be answered with reference to S.9 (2) (a) and (b) of the said Act which are to the following effect-

2 (a) For the purpose of calculating after the appointed day the ceiling area of a family holding land on the appointed day in excess of 6 standard hectares, the authorized officer shall take ante account only those members of that family who are alive on the notified date.

(b) for the purpose of calculating after the appointed day, the ceiling area of any other family, the authorized officer shall take into account only those members of that family who are alive on the date of the preparation of the draft statement under sub-S.(D)

In this connection S. 10 (2) (a) and (b) of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, which reads as under may also be extracted-

For the purpose of calculating for the first time after the date of commencement of this Act the ceiling area of a family holding land on the data of the commencement of this Act in excess of 15 standard acres. the Authorized Officer shall take into account only those members of that family who are avigation the notified date. But for the purpose of calculating the ceiling area of such family for the second or for any subsequent time, the authorized officer shall take into account only those members of that family who are alive on the date of the preparation of the draft statement under sub-S. (1).

(b) For the purpose of calculating the ceiling area of any other family for the first time after the date of the commencement of this Act or any subsequent time, the Authorized Officer shall take into account only those members of that family who are alive on the date of the preparation of the draft statement under sub-S. (1).

By reading all these, the conclusion it inescapable that whatever changes or alterations in situation take place, between the appointed day and before the notified date, they will have to be recognized and calculations must be done on the basis of these changes and alterations in the situation.

However, the learned Government Pleader would say that because of the language occurring under S. 6on or from the appointed day, no subsequent change could be recognized. This in my view is not a correct way of approaching the matter, because the relevant date for the purpose of computation, preparation and publication of draft statement under S. 9is only the notified date. S. 6merely provides statutory bar against future acquisition. "Family" as defined under S. 2(10) would be those members of that family who are alive on the notified date. If an erstwhile minor of the family of A becomes a major, before the notified date, he ceases to be a member of A's family since S. 2 (10) of the Act, which defines family, does not take in a major son,

2. I am fortified in my conclusion by referring to a judgment of my learned brother, Ramanujam, J. in C.R.P. No. 854 of 1967, in which directly this question arose and the learned Judge held, when a minor on the date of the commencement of the Act becomes a major, before the notified date his share should be excluded in fixing the family ceiling area. No doubt, this decision was rendered with reference to the language occurring under S. 10 (2) (a) and (b) of Tamil Nadu Land Reforms Act, 1961. But the corresponding S. 9 (2) (a) and (b) is in pari materia with S. 10 (2) (a) and (b) of the Tamil Nadu Act as could be seen by a reading of the section extracted above.

3. Therefore the ratio of that decision would squarely apply to this case also. This ratio was in fact applied by Kailasam, J. as be then was to the case of an unmarried daughter, reported in Rajagopal Pillai Vs. State of Tamil Nadu, by the Collector of South Arcot and Another, . The learned Judge held the provision under S. 10 (2) of the Madras Land Reforms (Fixation of Ceiling on Land) Act,

that the Authorized Officer should take into account the members of the family who are alive on the notified date would logically mean that the Authorized Officer could fix the members of the family as on the notified date by taking into account the subtraction by the minor becoming major or by the unmarried daughter getting married, who are by virtue of the definition of "family" excluded from the definite on "family". For the sake of completion, I may also state that this decision has been followed by my learned brother, Ismail, J. as seen from the decision reported in Tmt. Rajam Sivasubramantam alias Muthumeenakshi Vetralkshmi Nagammal v. Authorised Officer, land reforms Tirunelveli 92 L.W. 527. Inasmuch as the authorities below have applied the ruling rendered in Rojagopala Pillai v. State of Tamil Nadu which fully applies to these cases, no interference is called for, and accordingly these Civil Revision Petitions are dismissed. However, there will be no order as to costs.