

(1987) 08 MAD CK 0038
In the Madras High Court

The Authorised Officer, Land Reforms

APPELLANT

Vs

T.A.N. Viswalingam Chettiar

RESPONDENT

Date of Decision : 04-08-1987

Acts Referred:

Citation : (1989) 1 LW 206 : (1989) 1 MLJ 343

Hon'ble Judges : K.M. Natarajan, J

Bench : Single Bench

Judgement

K.M. Natarajan, J.—This revision has been preferred by the Authorised Officer, Land Reforms, Trichi against the order passed by the Land Tribunal, Thanjavur allowing the appeal filed by the landholder.

2. The main point for consideration in this appeal is:

Whether the Authorised Officer is entitled to reopen his earlier decision after obtaining the opinion of the Government Pleader treating the trust as a religious trust of public nature and that the Act is not applicable to the said trust.

3. It is brought to my notice that this Court had occasion to consider the said question in a number of decisions and it has been held in Radhakrishna v. Authorised Officer, Land Reforms, Kancheepuram (1986)2 M.L.J. 57 : 99 L.W. 351, where V. Ramaswami, J., has held as follows:

There is no provision in the Act which enables the Authorised Officer to review his earlier order or to reopen a closed issue.

Similar view was taken by two learned Judge is Radhakrishna v. Authorised Officer, Land Reforms Kancheepuram (1986) 2 M.L.J. 57 : 99 L.W. 351 and Ganesan v. Authorised Officer Land Reforms 90 L.W.597. In the second decision Nainar Sundaram, J, has held as follows:

In the present case we find that the initiation of fresh proceedings was the result of the administrative directions of the Land Commissioner. Hence the primary

contention of the petitioner that the first respondent could not have jurisdiction to review the proceedings which got settled by his order passed earlier, and the subsequent proceedings culminating in the impugned final statement are wholly incompetent has to be upheld.

I respectfully agree with the view expressed by the learned Judge. Applying the ratio in the above decisions, it cannot be held that the order passed by the Tribunal that the Authorised Officer has no jurisdiction to review his own decision cannot be said to be in any way erroneous or illegal.

4. In the result, the revision is dismissed, and the order passed by the Authorised Officer is confirmed. No costs.