

(1986) 01 MAD CK 0044
In the Madras High Court
Case No : C.R.P. 668 of 1983

The Authorised Officer (Land Reforms), Kancheepuram
Vs

APPELLANT

B. Balachandra Reddy

RESPONDENT

Date of Decision : 06-01-1986

Acts Referred:

Citation : (1986) 01 MAD CK 0044

Hon'ble Judges : Maheswaran, J

Bench : Single Bench

Advocate : S. Krishnaswami, Govt, for the Appellant; M. Satyanarayanan, for the Respondent

Final Decision : Dismissed

Judgement

Maheswaran, J.—This revision by the Authorised Officer (Land Reforms), Kancheepuram, is against the judgment of the Land Tribunal, North Arcot at Vellore, setting aside the order passed by the Authorised Officer (Land Reforms) Kancheepuram, in his proceedings in MR.I/ D.10/VBD/ 70 C, dated 15th February, 1980. A question of attractive importance arises in this case and that is when an Authorised Officer drops action on the ground that Act 58 of 1961 would not apply to the case, is it permissible for his successor to reopen the case after five years and hold, contrary to the orders passed by his predecessors, that there is surplus land. The respondent in this case was found to hold only 14.970 standard acres which is within the ceiling limit of 15 standard acres, by the Authorised Officer, Vellore, in his order dated 18th April, 1973. But about five years later, the authorised Officer, Kancheepuram, reviewed the order earlier passed by the Authorised Officer, Vellore, in his proceedings dated 18th April, 1973, and found that the respondent is holding an excess extent of 6.89 standard acres and directed the respondent to offer a list of surplus lands to be surrendered to Government, equivalent to 6.89 standard acres. Against that order, the respondent preferred an appeal to the Land Tribunal, North Arcot at Vellore, and the learned Tribunal allowed the appeal and set aside the order of

the Authorised Officer, Kancheepuram, on the ground that such a review is not within the powers of the Authorised Officer. Challenging that order, the Authorised Officer has filed this revision. There appears to be no provision in the Act to review the order passed by an Authorised Officer by his successor, more particularly when the proceedings are dropped on the ground that the Act is not applicable to the case. I am fortified in this view of mine, by a ruling of a Division Bench of this Court in Chellammal v. Authorised Officer, Madura 1970 2 M.L.J. 4. The learned Judges held that the Authorised Officer has no jurisdiction vested in him to revive and continue the proceeding under Act. 58 of 1961, when he has made an order that the Act would not apply in the circumstances of the case. Mr. Krishnaswami, learned Government Advocate appearing for the revision petitioner, pointed out that as long as no final publication is made under S.12 of the Act, it would be open to the Authorised Officer to find out whether there is any excess land with the respondent. But this question is answered by the Division Bench which holds that it would not be correct to say that the proceedings would be pending till the final publication is made under S.12 of the Act. I therefore hold that an Authorised Officer has no jurisdiction to reopen suo motu an order passed by another Authorised Officer earlier holding that Act 58 of 1961 is not applicable as the respondent holds an extent of 11970 standard acres which is within the ceiling limit of 15 standard acres. On this score, the revision fails and is dismissed, but without costs.