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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Monday, the Twenty-fourth day of
Monday, the Twenty-fourth day of April
One Thousand Nine Hundred and Seventy Eight

The Honourable Mr. T. RAMAPRASAD RAO
Officiating Chief Justice.

Civil Revision Petition No. 1490 of 1976

Sri Venkatachalapathi Trust Kottur,
by Trustee, K.S. Santhanakrishnan Mudaliar

Petitioner
Appellant

Vs.

The State of Tamil Nadu represented
by the Collector of Thanjavur
Collectorate, Thanjavur Town.

Respondent
Respondent

Petition under section 83 of Tamil Nadu Land Reforms (Fixation of Ceiling on Lands) Act, 1961 praying the High Court to revise the order of the Court of the Subordinate Judge (Land Tribunal), Nagapattinam dated 24th November 1975 and made in 1/A/185/75 in C.M.A. 75/M.R.I/3/v/A.8 MNG, Act, 37 of 1972 RL/Mannargudi.

ORDER:

This petition coming on for hearing on this day upon perusing the petition the order of the Court below and the record in the case and upon hearing the arguments of Mr. V. Ratnam, Advocate, for the petitioner and of Mr. K. Venkatasamy, Additional Government Pleader on behalf of the Respondent, the Court made the following order:

The Land Tribunal (Subordinate Judge), Nagapattinam was right when it did not entertain a civil miscellaneous appeal filed before it against the order of the Authorised Officer, Mannargudi. The provision of law under which he could act in the matter of entertainment of such appeals in Section 78 of the Tamil Nadu

Land Reforms (Fixation of Ceiling on Land) Act 1961, Sub-section (2) of section 78 provides that the Land Tribunal may admit an appeal presented after the expiration of the period mentioned in sub-section (1), but not exceeding thirty, if it is satisfied that the party concerned had sufficient cause for not presenting it within the said period. The period provided for the presentation of an appeal under sub-section (1) of Section 78 is sixty days from the date of decision of the Authorised Officer. In the instant case, it is not and dispute that the appeal was filed before the Land Tribunal long after the period prescribed under sub-section (2) of section 78. This is not a case in which judicial discretion could be sought for excusing the delay over and above the prescribed limit of time under provisions of a named statute. The Tribunal therefore had no jurisdiction to entertain the belated appeal. It was in those circumstances that it refused to entertain the appeal. The order therefore does not suffer from any error of jurisdiction, nor is it otherwise irregular.

The Civil revision petition is accordingly dismissed.
There will be no order as to costs.

(True copy)