

Copy of

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Friday, the Seventeenth day of November
One Thousand Nine Hundred and Seventy Eight

PRESENT

The Honourable Mr. Justice ISMAIL

Civil Revision Petition No. 3552 of 1976

Muthusami Gounder .. Petitioner/Petitioner

Vs.

Authorised Officer,
Land Reforms, Erode .. Respondent/Respondent

Petition under section 83 of Tamil Nadu Land Reforms Act read with section 115 of Act V of 1908 praying the High Court to revise the order of the Court of the Subordinate Judge, Erode, dated 8th September 1976 and made L.T.A. No. 76 C.F.R. No.1333 of 1976 (Ref. 92 M/MRI/17/70 P, Authorised Officer, Land Reforms, Erode).

ORDER:

This petition coming on for hearing on this day upon perusing the petition the orders of the lower court and the record in the case and upon hearing the arguments of Mr. P. Pandi, Advocate for the petitioner and of the Assistant Government Pleader for the Respondent the Court ordered as follows:

This is a petition against the order of the land Tribunal dated 8th September 1976 dismissing an application filed by the Petitioner herein under section 5 of the Limitation Act. The period of limitation prescribed for filing an appeal under section 78 of the Tamil Nadu Land Reforms Act is 30 days and the Tribunal is given discretion to extend the said period by another 30 days by section 78(2) of the Act. Consequently on the whole a party will have a maximum of 60 days for filing an appeal was presented before the Tribunal on 15th July 1976, even the period of 60 days had expired. Hence under the provisions of the Land Reforms Act, the Tribunal had no power to entertain appeal.

It was only because of that, the petitioner herein preferred the application in question under Section 5 of the Limitation Act. On the fact of it having regard to the express provisions contained in section 78 of the Act itself for the Tribunal to condone the delay upto 30 days, section 5 will have no application to the case before the Tribunal. Consequently the Tribunal was right in rejecting the application. Hence the Civil Revision petition fails and is dismissed. There will be no order as to costs.

K.V. RAMACHANDRAN
Assistant Registrar

(True copy)