

(2011) 04 JH CK 0188
In the Jharkhand High Court
Case No : Writ Petition (C) No. 7388 of 2006

Etwa Oraon

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Chotanagpur Tenancy Act, 1908 — Section 217

Citation : (2011) 3 JCR 476

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—Counsel for the petitioner submitted that despite the fact that there is no law for specific limitation for preferring revision u/s 217 of the Chotanagpur Tenancy Act, 1908, it has been pointed out by the Revisional Authority that the revision application, preferred by the petitioner, is beyond the period of limitation and hopelessly time barred and hence, it is rejected. Such an order, passed by the Commissioner dated 5th September, 2006 in S.A.R. Revision No. 73 of 2006 deserves to be quashed and set aside and the matter may be remanded for its fresh decision on its own merits.

2. Counsel for the State as well as counsel for the contesting respondents are unable to point out any provision of limitation for preferring revision application under the Chotanagpur Tenancy Act, 1908. Both the counsels have consumed enough time, but, they are not able to point out whether 60 days, 90 days or 120 days time for limitation is prescribed.

3. Even otherwise also, grounds for delay ought to be appreciated by the Revisional Authority. In the facts of the present case, looking to the impugned order it is non-speaking order. Reasons given in the impugned order viz. "It is hopelessly time barred" is no reason in the eye of law".

4. In these sets of circumstances, the order passed by the Commissioner is

without application of mind and is a non-speaking order. I therefore, quash and set aside the order, passed by the Commissioner dated 5th September, 2006 (Annexure-6) in preferring the revision application, preferred by the present petitioner and I hereby, remand the matter to the Commissioner, South Chotanagpur Division, Ranchi, for taking afresh decision in the revision application preferred by the present petitioner on its own merits.

5. In view of the aforesaid directions, this writ petition is allowed and disposed of.