

---

**(1954) 05 MAD CK 0015**  
**In the Madras High Court**  
**Case No : S.R. No. 21880 of 1954**  
**In Re: V. Tirupuliswamy Naidu**

---

**Date of Decision :** 04-05-1954

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 115  
Constitution of India, 1950 — Article 226, 227

**Citation :** AIR 1955 Mad 287 : (1955) ILR (Mad) 1033 : (1954) 67 LW 714

**Hon'ble Judges :** Satyanarayana Rao, J; Rajagopalan, J

**Bench :** Division Bench

**Advocate :** M.K. Nambiar and L.S. Veeraraghava Aiyar, for the Appellant;

**Final Decision :** Dismissed

---

## **Judgement**

Satyanarayana Rao, J.

This matter was placed before us for orders as to whether the appeal lies against the order of the learned Chief Justice in C. B. P. No. 473 of

1954. The civil revision petition was filed both u/s 115 of the CPC and also under Art. 227 of the Constitution. In the revision petition, the learned

Chief Justice disposed of the matter on merits and agreed with the learned District Judge that the respondent ceased to hold office because of the

supervening disqualification that he had become a leper. In that view the learned Chief Justice thought it unnecessary to deal with the preliminary

objection raised on behalf of the respondent that the civil revision petition was itself incompetent, because the District Judge acting u/s 51 of the

District Municipalities Act was only a "persona designata" and not a court. The Jurisdiction that was Invoked whether it rightly falls u/s 115, Civil

P. C., or under Article 227 of the Constitution in our opinion, is the revisional jurisdiction and not the extraordinary original jurisdiction like the

jurisdiction of this Court under Article 238 of the Constitution. Under the Letters

Patent an appeal lies against the decision of a single Judge of this

Court only if it is a judgment which was not rendered in exercise of revisional jurisdiction. The Letters Patent was amended in 1927. In our opinion

the jurisdiction under Article 227 of the Constitution is revisional jurisdiction and the appeal is therefore incompetent. The S. R. is rejected.