(1977) 07 MAD CK 0019

In the Madras High Court

Case No : W.A. No. 107 of 1976

P. Ramamirtham APPELLANT

Vs

The State of Tamil Nadu and others RESPONDENT

Date of Decision : 22-07-1977

Acts Referred:

Citation : (1977) 07 MAD CK 0019

Hon'ble Judges : Govindan Nair, C.J;Ramanujam, J

Bench : Division Bench

Advocate : M.R. Narayanaswami, for the Appellant; Ayyar, Dolia and A.L. Somayaji, for the Respondent

Judgement

Govindan Nair, C.J.—The Appellant herein was an aspirant for the post of village Headman, Perumangalam village, Nannilam Taluk, Thanjavur Dt. His application was rejected by the Revenue Divisional Officer, Nagapattinan, and in appeal by the District Revenue Officer, Thanjavur. The appellate took the matter in revision before the Government and when the revision was pending before the Government, the revisional powers of the Government was taken away from the Government on and from 29th March 1976, and the power of revision is now vested with the Board of Revenue. The revision, however, was disposed of by the Government by an order dated 2nd April 1976 which was the order impugned in the writ petition. The writ petition was dismissed by Mohan, J. on the ground that even though the power of revision was taken away from the Government and vested with the Board of Revenue, 29th March, 1976, there is no specific provision made regarding matters that were pending before the Government on the date when the change of revisional power was given effect to. The absence of a specific provision regarding pending matters would not imply that the pending matters could be dealt with by the Government. In the circumstances, the proper procedure would have been to transfer all the pending matters to the Board of Revenue. The gap between the date from which the jurisdiction was taken away and the date of the order of the Government is just a few days, and therefore, the appellant had no reasonable time to submit to the Government that they have no jurisdiction to deal with the revision pending after 29th March, 1976.

2. In the result, we allow the appeal and quash the order of the Government dated 2nd April 1976 and direct the Government to transfer the revision petition of the appellant to the Board of Revenue for disposal in accordance with law. The parties will bear their respective costs.