

**(1997) 07 MAD CK 0104**  
**In the Madras High Court**

Pichai Ammal

APPELLANT

Vs

The District Revenue Officer and Others

RESPONDENT

---

**Date of Decision :** 15-07-1997

**Acts Referred:**

Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 — Section 7

**Citation :** (1998) 1 MLJ 258

**Hon'ble Judges :** M.S.B. Liberhan, C.J.;M.S. Liberhan, C.J

**Bench :** Division Bench

---

**Judgement**

M.S.B. Liberhan, C.J.—Learned Counsel for the appellant contends, that since the case was remanded by the Appellate Authority, the revisional authority could not have decided the case on merits, as the order under revision was one of remand. In case the revisional authority found that the remand order suffers from illegality or material irregularity, he was bound to remand the case to the appellate authority for decision on merits without deciding the case him-self on merits. Learned Counsel for the appellant re-lied upon a decision of this Court in Kaluvaroya Pillai and Others Vs. Ganesa Pandithan and Others, , by a learned single Judge of this Court.

2. Section 7 of the Tamil Nadu Agricultural Lands Record of Tenancy Right Act reads thus:

Revision: The District Collector or such officer as may be specified by the Government in this behalf may, of his own motion, or, on the application of a party, call for and examine the record of any Record Officer or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such order as he may thinks fit. Provided that the District Collector or the said officer shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

3. A reading of Section 7 makes it obvious that the revisional authority has unlimited power and on having set aside the impugned order, he could pass any

appropriate order as the circumstances warrant. We may hasten at this stage to add, that one of the avowed objects of the procedural law is to shorten the litigation and to curtail it. Remanding the matter to the appellate authority and again to the original authority would keep the litigation alive for long and more so give rise to multiplicity of proceedings. One of the objects of justice is to do justice and that too finally and not to keep the sword of Damocles hanging. The revisional authority, on the facts and circumstances of the case, found that the matter should be decided on facts and so, the revisional authority decided it on merits, especially when factual matrix was not disputed, i.e., the appellant having taken the land on sublease from one of the joint lessees, claimed to be a tenant of the entire land. The appellant, however, cannot acquire a better title or interest than the one, which the person, under whom the appellant claims to have got into possession had. He cannot claim to be a tenant under all the lessees. That being the undisputed position, he could not have been recorded as a tenant, as prayed for by him.

4. So far as the power of the revisional authority is concerned, as we have observed above, he has got unlimited power to pass appropriate orders on the facts and circumstances of each case. There is no bar for the revisional authority to decide the matter on merits or to remand or to take additional evidence to render justice between the parties. The above view of ours finds favour with the decision reported in *V. Sellappan Vs. The District Revenue Officer and Others*, with which we fully agree. The observations made in the decision cited by the learned Counsel for the appellant in *Kaluvaroya Pillai and Others Vs. Ganesa Pandithan and Others*, wherein the context of the statutory provision of Order 43, Rule 1(u) of the Code of Civil Procedure, while interpreting the statutory provisions and thus, the law laid down in *Kaluvaroya Pillai's* case, is not attracted to the facts of this case.

5. For the above reasons, we see no ground to interfere with the order of the learned single Judge. The writ appeal is dismissed. C.M.P. No. 3124 of 1997 is also dismissed.