
(1968) 11 MAD CK 0001
In the Madras High Court

R.M.S.R.S. Subbiah Servai

APPELLANT

Vs

The Assistant Settlement Officer and Others

RESPONDENT

Date of Decision : 22-11-1968

Acts Referred:

Estates Abolition Act — Section 4

Citation : (1969) 82 LW 546 : (1969) 2 MLJ 642

Hon'ble Judges : P.S. Kailasam, J

Bench : Single Bench

Judgement

P.S. Kailasam, J.—This petition is filed by a claimant for a patta for 4.12 acres comprised in S. No. 23/3 Palayur Village, Tirupattur taluk.

The petitioner and his brother's son claim to be in absolute possession and enjoyment of the suit property. The Assistant Settlement Officer

declined to grant patta. On appeal, the Settlement Officer confirmed the order of the Assistant Settlement Officer. The petitioner filed a revision to

the Director of Settlements. The Director of Settlements by his order dated 31st October, 1965 set aside the order of the Settlement Officer and

other subordinate officers and remanded the case to the Assistant Settlement Officer, Madurai, for fresh enquiry and disposal. The Director of

Settlements also directed the Assistant Settlement Officer to get the land inspected, find out the actual survey numbers and extent claimed by the

petitioner, verify correlation with reference to the revenue records and tile documents of the parties and decide the claims under the appropriate

section of the Estates (Abolition and Conversion into Ryotwari) Act. The reason for the order was that the claims of the petitioners before him

were not considered individually. This order is challenged by the petitioner as beyond the powers of the Director of Settlements. u/s 4 of the

Estates Abolition Act, the Director of Settlements is appointed by the Government to carry out survey and settlement operations in estates and introduce, ryotwari settlement. u/s 5(2), the Director of Settlements is empowered to cancel or revise any of the orders, acts or proceedings of the Settlement Officer, other than those in respect of which an appeal lies to the Tribunal. That the Director of settlements was authorised to hear the revision petition against the orders of the Settlement Officer is not disputed. The only contention is that, in a revision petition, he can either cancel or revise any of the orders, and cannot direct a remand. The section empowers the Director to cancel or revise the order of the Settlement Officer. CPC is not applicable to the hearing of the petitions by the Director of Settlements. The only power the Director has is that that is conferred under the Act. It is admitted that the rules do not confer any power on the Director of Settlements to direct remand. The director himself will have to dispose of the petition by cancelling or revising the orders of the Settlement Officer. Hence, this writ petition will have to be allowed.

2. In the result, the order of the Director of Settlements directing remand is set aside. The Director will take the petition on his file and dispose of the matter afresh according to law. There will be no order as to costs.