

(1974) 01 MAD CK 0009
In the Madras High Court
Case No : Writ Appeal No. 98 of 1971

The Settlement Officer, Salem and Others	APPELLANT
Vs	
K.V. Krishna Iyer and Another	RESPONDENT

Date of Decision : 10-01-1974

Acts Referred:

Limitation Act, 1963 — Section 11, 5, 7

Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 — Section 67(2)

Citation : AIR 1975 Mad 146 : (1974) 87 LW 866

Hon'ble Judges : Veeraswami, C.J;Varadarajan, J

Bench : Division Bench

Advocate : Govt. Pleader, for the Appellant; S. Jagadeesan, for the Respondent

Final Decision : Dismissed

Judgement

1. The question in this case is whether in respect of a revision from an order of the Assistant Settlement Officer granting patta u/s 11 of Madras

Act 26 of 1948, there is in him or the Director of Settlement the power to condone the delay in filing the revision petition. Ismail J. held that there is

no such power. We are in entire agreement with this view. A specific rule has been framed under the rule-making power provided in Section 67 on

the reference to Section 11 that the revision petition to the Settlement Officer or a revision to the Director should be filed within a specified time.

The application of Section 5 of the Limitation Act has been expressly excluded. That means neither the Settlement Officer nor the Director of

Settlements has the power u/s 5 of the Limitation Act to condone the delay.

2. It is true that there is no limitation provided for a revision u/s 5 or Section 7 of the Act. But the order in the instant, case will not fall within the

purview of the power u/s 5 or Section 7, because of the specific provision

providing for a revision against the orders passed u/s 11 of the Act. The special excludes the general.

3. The appeal is dismissed. No costs.