

(1950) 07 MAD CK 0015

In the Madras High Court

Case No : Civil Revision Petition No. 155 of 1949

Ali Kutti

APPELLANT

Vs

Parappil Madhava Menon and Others

RESPONDENT

Date of Decision : 14-07-1950

Acts Referred:

Malabar Tenancy Act, 1930 — Section 3

Citation : AIR 1951 Mad 407 : (1950) 63 LW 1141 : (1942) 55 LW 1141 : (1950) 2 MLJ 494

Hon'ble Judges : Subba Rao, J

Bench : Single Bench

Advocate : N.R. Sessa Iyer, for the Appellant; S. Venkatchala Sastri, for the Respondent

Final Decision : Dismissed

Judgement

Subba Rao, J.—The only question that arises in this revision is whether the petitioner is a tenant within the meaning of Madras Act, XIV

[14] of 1930. The learned District Munsif held that he was not a tenant and therefore dismissed the application for stay under Madras Act XVII

[17] of 1946. The petitioner is in possession of certain dry lands wherein ginger millets gingelly, modan paddy are grown in different portions of the

land in different years. He came into possession of the suit lauds under a varumpattam chit dated 21-12-1920. In Section 3 (w)(1), Malabar

Tenancy Act "verumpattamdar" is defined as follows :

"Verumpattamdar" means a tenant other than a kanamdar or kuzhikanamdar of a holding, for agricultural purposes, which includes wet lands, and

may or may not include other land.

Wet land" is defined to mean "land which is adapted for the cultivation of

paddy". The learned District Munsif after a consideration of the various circumstances, having regard to the nature of the land and the crops raised on the land, held that the land was not adapted for the cultivation of paddy.

2. Mr. Sesha Aiyar, the learned counsel for the petitioner, contends that the said finding is contrary to the admitted facts of the case and also to the other findings of the learned District Munsif. No doubt the learned District Munsif observes at one stage of the judgment that modan paddy is

inferior in quality to the ordinary paddy and is grown in dry lands as a dry crop. But having regard to the definition of "verumpattam" and "wet land

I am also inclined to agree with the learned District Munsif that the definition of "wet land" is not intended to cover a land wherein only modan

paddy, a species of dry crop, is raised. It may safely be assumed that the authors of this Act knew that modan paddy though described as paddy

was really a kind of crop raised on dry lands. The word "paddy" in the definition of "wet land" must therefore be confined to that kind of grain

which is understood by the people of the locality as paddy in the ordinary sense of the term, From the mere fact that in some portions a kind of

crop which is described as modan crop is grown, it cannot be held that the land is adapted for the cultivation of paddy.

3. Agreeing with the lower Court, I dismiss the revision petition with costs.