

(1892) 05 MAD CK 0004
In the Madras High Court

Ayyappa

APPELLANT

Vs

Venkatakrishnamarazu

RESPONDENT

Date of Decision : 04-05-1892

Acts Referred:

Citation : (1892) ILR (Mad) 484

Hon'ble Judges : Handley, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. We think that the Acting District Judge was right in holding that the plaintiff, as the registered zamindar, had a right under Act VIII of 1865 to compel defendant to accept a patta. The decision in Valamarama v. Virappa ILR 5 Mad. 145 is an authority for the proposition that in a zamindari the only zamindar is the registered zamindar, and we do not think that, upon this point, the authority of that decision has been shaken by the decision in Subbu v. Vasanthappan ILR 8 Mad. 351. In a zamindari the only landholder entitled to proceed under Act VIII of 1865 against the tenants of the zamindari must be the zamindar, and the only zamindar for the time being is the registered zamindar.
2. We dismiss this second appeal with costs.