
(1913) 02 MAD CK 0019
In the Madras High Court

Chaganti Atchaparaju

APPELLANT

Vs

Raja Velugoti Krishnayachendraluvaru

RESPONDENT

Date of Decision : 13-02-1913

Acts Referred:

Madras Estates Land Act, 1908 — Section 3

Citation : (1915) ILR (Mad) 163 : (1913) 24 MLJ 402

Judgement

1. The first point argued in this second appeal is that supposing the defendant is a ryot of old waste as denned in Section 3 of the Madras Estates

Land Act, the landholder has no right to eject him as none of the grounds mentioned in Section 157 of the Act, which relates to the ejectment of

such a ryot has been alleged to exist by the plaintiff. Section 157 enacts that such a ryot cannot be ejected except on the grounds mentioned in

Section 153 (and certain other grounds which are immaterial for the present case) which refers to the ejectment of non-occupancy ryots generally.

Five grounds for ejectment were mentioned in Section 153 as it originally stood. A proviso was added to the section by Section 8 of Madras Act

4 of 1909 in these terms ""nothing in this section shall affect the liability of a non-occupancy ryot to be ejected on the ground of expiry of the term of

a lease granted before the passing of this Act"". The effect of the proviso was of course to entitle a landholder to eject a non-occupancy ryot on the

ground of the expiry of a lease granted before the passing of the Act. The ground of the ejectment in such a case is the expiry of the lease. Section

153 does not make the expiry of the lease a ground of ejectment but leaves it to have the effect which it would have but for the provision in the first

part of the section that the ryot shall not be liable to ejectment except on the grounds enumerated in the section. It leaves the contract of tenancy

which gives the landholder the right to eject to have the operation which it would ordinarily have. Section 157 expressly deprives a contract

entitling the landholder to eject a ryot of old waste of its ordinary legal effect. It also provides that the only valid grounds for the ejectment of such a

ryot are those mentioned in Section 153 as grounds for ejecting a non-occupancy ryot. The expiry of a lease made before the Act came into force

is not one of the grounds given by Section 153 for ejectment.

2. The result is that a ryot of old waste cannot be ejected on the ground of a contract entered into before the Act came into force. The plaintiff's

suit must therefore fail if the defendant be a ryot of old waste. If the land be Kamatam, the suit could not be maintained in the Revenue Court. In

either view therefore the suit must fail. We leave the question whether the land is Kamatam or not undecided We reverse the decrees of the lower

courts and dismiss the suits with costs throughout on the grounds mentioned above.