

(1916) 01 MAD CK 0060
In the Madras High Court

Meenakshi Ammal

APPELLANT

Vs

R.G. Orr and Others

RESPONDENT

Date of Decision : 31-01-1916

Acts Referred:

Citation : 32 Ind. Cas. 986 : (1916) 3 LW 227

Hon'ble Judges : Sadasiva Aiyar, J; Moore, J

Bench : Division Bench

Judgement

1. Reading Section 204 of the Estates Land Act, Section 3, Sub-section (sic) the General Clauses Act, Regulation VII of 1828 and Madras Act VII of 1914 together, we have no doubt the Deputy Collector had jurisdiction in this case to make the grant of the certificate required by Section 186 of the Estates Land Act to support an application to the District Judge for compulsory sale of land by the ryot to the landholder.

2. We agree with Napier, J., that the affidavit filed in support of the contention that the District Judge refused to receive evidence tendered on the question of the reasonableness and sufficiency of the purpose of the acquisition, cannot be accepted as a reliable one. It, therefore, becomes unnecessary for us to give a final opinion on the difficult question whether, if evidence had been so tendered, the Court was bound to have taken that evidence on the point. [See Goghun Mollah v. Rameshur Narain Mahta 18 C.k 271 where the learned Chief Justice differed from the two other learned Judges on the construction of the corresponding section of the Bengal Tenancy Act which is practically identical with Section 186 of the Madras Estates Land Act.]

3. We dismiss the Letters Patent Appeal with costs.