
(1893) 11 MAD CK 0009
In the Madras High Court

P.R. Rajah Gounden

APPELLANT

Vs

M. Rajah Gounden and Others

RESPONDENT

Date of Decision : 16-11-1893

Acts Referred:

Citation : (1894) ILR (Mad) 134 : (1894) 4 MLJ 85

Hon'ble Judges : Muthusami Aiyar, J; Best, J

Bench : Full Bench

Judgement

Best, J.—* * * * The period of limitation for a suit of this kind is six months from the date of the sale, (see Section 59 of Act It of 1864 and

Venkata v. Chengadu I. L. R 12 M 168 The appellant's contention that the limitation prescribed by the above section, is inapplicable to sales

which are open to the objection of illegality (as distinguished from mere irregularities) by reason of their contravening some express law--such as

Regulation X of 1831, as alleged in the present case., is opposed to the recent ruling (dated 8th July 1893) of the Privy Council in Raja Gobind

,Lal Roy v. Ramjanam Misser now reported at I. L. R 21 C 70 (not yet reported I believe), where a similar contention in the case of a sale under

Act XI of 1859 was disallowed on the ground that "a sale is a sale made under the Act within the meaning of the Act, when it is a sale for

arrears of Government revenue, held by the Collector or other officer authorized to hold sales under the Act, although it may be contrary to the

provisions of the Act either by reason of some irregularity in publishing or conducting the sale, or in consequence of some express provision for

exemption having been directly contravened." * * * * *

Muthusami Aiyar, J.

2. I concur.