

(1927) 03 AHC CK 0026
In the Allahabad High Court

Raja Sri Krishna Dutta Dube Bahadur	APPELLANT
Vs	
Ram Achhaiber Rai and Others	RESPONDENT

Date of Decision : 10-03-1927

Acts Referred:

Citation : AIR 1927 All 491 : (1927) ILR (All) 711 : 102 Ind. Cas. 261

Hon'ble Judges : Sulaiman, J;Lindsay, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Lindsay, J.—This case comes before us as a reference made by the Board of Revenue under the provisions of Section 254 of the Agra Tenancy Act, Act 3 of 1926. The points referred for our opinion are set out in a letter addressed to the Registrar of this Court and signed by the Registrar of the Board of Revenue. It is stated in this letter that the members of the Board of Revenue desire the opinion of this Court on three questions of law which are specified. Along with this reference a number of records have been sent which, so far as we are able to gather, are records of cases which the Board of Revenue has already decided.

2. Looking at the terms of Section 254 of the Tenancy Act above referred to, it appears to us that this section contemplates a reference to this Court by the Board of Revenue in connexion with some case which is actually pending before the Board. We do not think that this section justifies any reference in order to obtain an opinion upon any question of law arising in a case which has already been decided by the Board of Revenue. In other words, we are not disposed to construe Section 254 as giving authority for the Board of Revenue to refer to this Court abstract questions of law detached from any concrete case which may be pending before the Board for decision. We notice, however, that in the letter of the Registrar of the Board of Revenue it is stated in para. 4 that there are several cases now pending before the Board involving the first and second points of law which are referred to in the letter. If the Board of Revenue desires to have the opinion of this Court under the section in question, we think the proper course is

for one of these pending cases to be submitted to this Court together with a statement of the facts of the particular case and a statement of the conflicting opinions of the members who are dealing with it. A copy of this, order should be sent to the Board of Revenue and the matter will be taken up again when the record of any case pending before the Board and involving the points of law referred to is submitted to it with a statement of the facts and a statement of the opinions of the members of the Board. We consider it essential to have the case presented to us in this way in order to enable us to issue notice to the parties who must be represented by counsel when the case comes up before the Court for disposal.