
(1924) 10 MAD CK 0049
In the Madras High Court

Sri Kallalagar Devasthanam

APPELLANT

Vs

Anthony Moopan

RESPONDENT

Date of Decision : 17-10-1924

Acts Referred:

Citation : AIR 1925 Mad 454 : (1925) 48 MLJ 147

Hon'ble Judges : Devadoss, J

Bench : Division Bench

Judgement

Devadoss, J.—The first point urged in this second appeal is that Sundararama Sastri who let the plaintiff into possession was not the

landholder within the meaning of Section 3 of the Estates Land Act. The contention of Mr. A. Srinivasa Aiyangar is that though a person may be a

landholder within the meaning of Section 5 yet he is not landholder for the purpose of letting a tenant into possession of ryoti land so as to give him

occupancy right u/s 6. The evidence on record shows that Sundararama Sastri was appointed trustee by the temple committee in 1911 and he was

recognised as landholder by the revenue authorities. Section 3, Clause 5, para. 2 says: ""The person who shall be deemed to be the landholder for

such purposes shall be the person whom the Collector subject to any decree or order of a competent Civil Court may recognize or nominate as

such landholder in accordance with rules to be framed by the Local Government in this behalf."" The simple question is whether the word

landholder "" used in Clause 5 of Section 3 means landowner as contended by Mr. A. Srinivasa Aiyangar or landholder as defined in Section 3,

Clause 5. It is argued for the appellant that if a person who is not a full owner is allowed to let into possession tenants who would get occupancy

right in ryoti land u/s 6 it would be detrimental to the interests of an institution like the temple and therefore the word ""landholder"" in Section 6,

Clause I must be interpreted so as to give it : a restricted meaning. It may be that the framers of the Act intended that the word ""landholder"" in

Section 6 should be understood as defined by them in Section 3 (5) and there is no warrant for saying that the word ""landholder"" in Section 6 ILR

(1917) M 709 : 1917 33 MLJ 1 should be interpreted to mean ""landowner."" Such an interpretation would be against all the rules or canons of

construction and I am not prepared to hold that in Section 6 the word ""landholder"" has a restricted meaning. The plaintiff was admitted into

possession of the ryoti land belonging to the Devasthanam by Sundararama Sastri, the then trustee. Sundararama Sastri being a landholder within

the meaning of Section 6 ILR (1917) M 709 : 33 MLJ 1, I think the plaintiff by virtue of that clause has acquired an occupancy right in the land

the possession of which was given by the manager of the Devasthanam.

2. The next contention urged by Mr. A. Srinivasa Aiyangar is that the manager had no power to give occupancy right to the plaintiff and that he

acted in contravention of the orders of the temple committee and the plaintiff was aware of such orders and therefore the plaintiff cannot have

occupancy right in the plaint land. Mr. Srinivasa Aiyangar relies upon Palaniappa Chetty v. Sreemath Devasikamony Pandara Sannadhi ILR

(1917) M 709 : 33 MLJ 1, Amarnath Sah v. Achan Kriar ILR (1892) A 420 and Obala Kondama Naicker Ayyan v. Kandasami Goundan LR

51 IA 145. It is unnecessary to consider the cases of limited owners who alienated the property and purported to give full title to the vendee. It is

also unnecessary to consider the cases where the trustee's action in giving permanent lease was discountenanced by the Courts. In this case the

land being ryoti land it was necessary that it should be cultivated by some tenant. It was not likely that the temple committee would cultivate the

land directly. It is not likely that Sundararama Sastri or any other manager would himself cultivate the land; and one of the proper modes of

enjoyment of the ryoti land is by giving the land to tenants for the purpose of cultivating it and getting the rent due on the land. The act of the

manager Sundararama Sastri was not an act outside the scope of his authority. It was an act in the ordinary course of manager of the property

belonging to the trust. That being so, it cannot be said that he has exceeded his powers in letting the plaintiff into possession of the land. Whether

the tenant takes the land for 20 years or 40 years it does not matter, for the moment the landholder lets a tenant into possession of ryoti land by

virtue of Section 6 he acquires occupancy right. The landlord cannot by any contract with him limit that right which is given to him by Section 6.

That being so, these cases have no application to the present case. The finding by the Lower Appellate is that the plaintiff paid the Nuzzur and took

the lease without the knowledge of anything that happened between the trustee and the temple committee and it is not likely that the plaintiff would

have been aware of the correspondence that took place between the trustee and the temple committee. The temple committee did authorise

Sundararama Sastri to let the land to tenants, and it even recommended that the land should be given to one Ranganadhiar on terms similar to those

on which the manager has let the land to the plaintiff, and the only difference being that in the case of Ranganadhiar the term was 20 years. But as I

have already observed, whether the landholder lets the tenants into possession for 20 years or more the moment the tenant enters upon the land,

by virtue of Section 6 he gets occupancy right in the ryoti land. There is no other point urged. The second appeal fails and is dismissed with costs.