
(1918) 07 MAD CK 0032

In the Madras High Court

Case No : Criminal Appeal No. 285 of 1918

The Corporation of Madras

APPELLANT

Vs

S. Varadachariar

RESPONDENT

Date of Decision : 18-07-1918

Acts Referred:

Madras City Municipal Act, 1904 — Section 262, 420

Citation : (1918) 07 MAD CK 0032

Hon'ble Judges : Sadasiva Ayyar, J; Napier, J

Bench : Division Bench

Advocate : C. Sidney Smith, Ag., Crown Prosecutor, for the Appellant; K.S. Krishnaswami Ayyangar, for the Respondent

Judgement

Sadasiva Ayyar, J.—We are quite clear that this Section 262 of the Madras City Municipal Act, 1904, read with Section 420 of the Act was intended to reproduce Section 264 of the old Act (The City of Madras Municipal Act, 1884) which made the new construction of an inflammable pandal or the continuance of an existing pandal, etc., of that character an offence. The pandal in question is clearly unlawful and there is no written permission of the President to legalize it. We think that the language of Section 420 (of the Madras City Municipal Act, 1904) "whoever contravenes" is wide enough to cover an owner and occupier of premises which offends against the section.

2. We set aside the acquittal and impose a fine on the Defendant of Rs. 5 (five rupees).