

(1897) 09 MAD CK 0022
In the Madras High Court

The Municipal Council

APPELLANT

Vs

Visvanatha Rau

RESPONDENT

Date of Decision : 14-09-1897

Acts Referred:

Citation : (1898) ILR (Mad) 4

Hon'ble Judges : Arthur J.H. Collins, C.J;Benson, J

Bench : Division Bench

Judgement

1. The fact that Section 212 of the District Municipalities Act refers only to new buildings and not to repairs, is highly significant and clearly

indicates that a distinction was intended to be drawn between the two classes of cases.

2. In the present case there was no erection of any new building over the drain. There was only a repair of the existing covering which had been there for the past 40 years.

3. We do not think that such repair can be said to be interference with the drain within the meaning of Section 211. The interference referred to in that Section is, as the District Judge remarks, interference similar in character to the kinds of interference specifically referred to in the earlier part of the Section.

4. We, therefore, conclude that the decision of the Courts below is correct, and we dismiss this second appeal with costs.