

(1897) 09 MAD CK 0010
In the Madras High Court

The Municipal Council of Tanjore

APPELLANT

Vs

Visvanatha Row

RESPONDENT

Date of Decision : 14-09-1897

Acts Referred:

Citation : (1898) ILR (Mad) 4 : (1897) 7 MLJ 273

Judgement

1. The fact that Section 212 of the 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. 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 forty years.

2. 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.

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