

Subbaraya Chetti Vs. Venkatanarasu Chetti and ors.

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Court : Chennai

Decided On : Nov-24-1891

Reported in : (1892)2MLJ83

Appellant : Subbaraya Chetti

Respondent : Venkatanarasu Chetti and ors.

Judgement :

1. We think the District Judge was right in holding that the suit is not maintainable. The right claimed is the hereditary exclusive right to settle the caste disputes between members of plaintiff's caste. This is a right which cannot be enforced, for the caste people cannot be prevented from referring their caste disputes to other persons for settlement. He also claims as incident to this hereditary right a right to collect a fanam a head from the caste people. It is admitted that this is a voluntary contribution and cannot be enforced. An hereditary right to do that which any other person has a full legal right to do is not a right which the court can declare or enforce, and the allegation that by virtue of such right plaintiff obtains certain voluntary contributions does not make it any the more enforceable by law.

2. The case in Srinivasa v. Tiruvengada I. L. R 11 M 450 is not in point. There there was a right to the performance of certain services in a temple. The right claimed here is one which, from its nature, depends upon the voluntary submission of the members of the caste, and would not be a subject for judicial declaration, even, in a suit to which all the members of the caste were parties

which is not the case here.

3. The appeal is dismissed with costs.

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