

The Public Prosecutor Vs. Subramania Pandara Sannadhi (Managing Trustee of Vedaranyam Devasthanam)

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Court : Chennai

Decided On : Jul-31-1933

Reported in : AIR1934Mad398; 147Ind.Cas.1226; (1934)66MLJ179

Appellant : The Public Prosecutor

Respondent : Subramania Pandara Sannadhi (Managing Trustee of Vedaranyam Devasthanam)

Judgement :

Lakshmana Rao, J.

1. It is not denied that a pandal was erected without obtaining a licence from the President of the Panchayat Board nor was it seriously disputed that a licence would be necessary if the street in question is a public street vested in the Board. It is the doing of the act without a licence that is made punishable by Section 219, Clause (b) of the Madras Local Boards Act and it is immaterial whether or not the act, viz., the erection of the pandal, caused any inconvenience or obstruction to the public. The pandal in question would also be a projection over the street for which too a licence is necessary and considering that it is the act itself that is made punishable under Section 219, Clause (b) of the Madras Local Boards Act, a notice to remove the pandal cannot possibly be a condition precedent to the

institution of the prosecution. The section too does not make it a condition precedent to the institution of the prosecution, and notices were in fact given to the accused that he should take out a licence. The accused would therefore be guilty under Section 219, Clause (b) if the street in question is a public street vested in the Board and this the Lower Court has not determined. The order of acquittal is therefore set aside and there should be a re-trial in accordance with the law by the District Magistrate or such other Magistrate as he may direct.

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