

In Re: P. Koyatti

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Court : Chennai

Decided On : Oct-21-1943

Reported in : AIR1944Mad529

Appellant : In Re: P. Koyatti

Judgement :

ORDER

Kuppuswami Ayyar, J.

1. This is a petition to revise the order of the Collector of Malabar dismissing the appeal of the petitioner against the order of the Island Inspecting Officer of Malabar under Section 10C of the Laccadive Islands and Minicoy Regulation, 1 of 1912, directing the petitioner to execute a bond for Rs. 200 to be of good behaviour for a period of one year from the date of the order. The petitioner is a resident of Minicoy. An enquiry was made against him and three others on information received that they were likely to create a breach of the peace and cause disturbance in the Island. Under section 10C:

Whenever, after such inquiry as he thinks fit, the Inspecting Officer or the Collector or any of the Collector's assistants empowered under Sub-section (1) of Section 10A is satisfied that any person in the islands,

(a) is a habitual offender, or

(b) is likely to commit a breach of the peace or disturb the public tranquillity, or

(c) is so desperate and dangerous as to render his being at large without security hazardous to the community, he may require such person to execute a bond with sureties, for keeping the peace or for his good behaviour for such period not exceeding three years as he thinks fit to fix.

In this case the Inspecting Officer went to the island and with the information already recorded by the Headquarters Magistrate of Malabar examined the karnavans and Moopans and a number of other persons and was of opinion as a result of such enquiry that three of them including the petitioner were likely to commit acts involving a breach of the peace. It is stated for the petitioner that there is no finding that he has done any particular act from which it could be said that he is likely to do acts in the future involving a breach of the peace, and reliance was placed for this contention on the decision in *In re Maruthapillai Gounder* : AIR1937 Mad356 . But that is a decision under Section 107, Criminal P.C. In the case of inquiries under Section 10C of Regulation 1 of 1912, the nature of the enquiry is left to the discretion of the Inspecting Officer, and it is admitted that the Evidence Act is not in force in those islands. It cannot hence be said that if the Inspecting Officer after hearing the important persons in the island came to the conclusion that the petitioner was likely to do acts involving a breach of the peace, this Court will be justified in interfering disagreeing with the opinion of the officer. It is observed in the first Court's order that Minicoy had been in a disturbed state for several years and that the Government Amin as well as the local people were against the petitioner and others. The Collector also on appeal observes that

the Inspecting Officer was satisfied and quite rightly that the Island of Minicoy was in a disturbed state and that the petitioner was one of those responsible for such a state of affairs.

I think in the case of such islands which during a major portion of the year are not accessible to the outside world, the officer has necessarily to act upon the opinion expressed by the large number of residents of that island with regard to the apprehension as to whether a person is likely to cause a breach of the peace in future or not. I therefore do not think I will be justified sitting in revision in

interfering with the order of the Collector. It cannot be said that there are no relevant materials on which the order has been arrived at. In the result the petition is dismissed.

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