

Emperor Vs. S. Vardachariar

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SooperKanoon Citation : sooperkanoon.com/807170

Court : Chennai

Decided On : Jul-18-1918

Reported in : 47Ind.Cas.672

Judge : Sadasiva Aiyar and ;Napier, JJ.

Appellant : Emperor

Respondent : S. Vardachariar

Judgement :

1. We are quite dear that this Section 262 (of the Madras City Municipal Act, 1904) read with Section 420 (of the Act) was intended to reproduce Section 264 of the old Act (The City of Madras Municipal Act, 1834), which made the new construction of an inflammable pandal or the continuance of an existing pandal, etc., of that character an offence. The pandal in question is clearly unlawful and there is no written permission of the President to legalise it. We think that the language of Section 420 (the Madras City Municipal Act, 1904), 'Whoever contravenes', is wide enough TO cover an owner and occupier of premises which offend against the section.

2. We set aside the acquittal and impose a fine on the defendant of Rs. 5.