

In Re: A. Venkataraghava Iyer

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SooperKanoon Citation : sooperkanoon.com/811900

Court : Chennai

Decided On : Jul-16-1941

Reported in : AIR1941Mad828

Appellant : In Re: A. Venkataraghava Iyer

Judgement :

ORDER

Horwill, J.

1. The petitioner has been convicted - and the conviction has been upheld in appeal-under Section 193, Local Boards Act, read with Section 207 and Schedule 7, for failure to obtain a license for storing and selling firewood during the year 1939-40 within the limits of the Panchayat Board of Uttaramerur and he has been fined Hs. 5. Schedule 7, Local Boards Act, unlike Schedule 6, City Municipal Act, does not require that a license should be taken out for storing firewood. It was unnecessary therefore for the petitioner to have taken out a license; and by not taking out a license he committed no offence in storing firewood. Whether he could sell firewood without a license may depend on whether by doing so he was exercising a trade. But this case did not turn on that. It was assumed that a license was necessary for storing firewood and both Courts seem to have been under a misapprehension on that point. The conviction is therefore set aside and the fine refunded.

