

**Sri Sri Sri Ramachandra Mardaraja Deo, Zamindar of Kallikota and Allagada Estate Minor by Next Friend, Collector of Ganjam and Agent to the Court of Wards Vs. Dukko Podhano and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/819727](http://sooperkanoon.com/819727)

**Court :** Chennai

**Decided On :** Oct-04-1915

**Reported in :** AIR1916Mad891(2); 31Ind.Cas.852

**Judge :** Abdur Rahim and ;Spencer, JJ.

**Appellant :** Sri Sri Sri Ramachandra Mardaraja Deo, Zamindar of Kallikota and Allagada Estate Minor by Next Friend

**Respondent :** Dukko Podhano and ors.

**Judgement :**

1. We think that this is a suit which ought to be tried by a Civil Court and not by the Revenue Court. The suit is to recover a certain sum of money from the defendants who were an occupation of land belonging to the plaintiff, which was let to them for the purpose of building houses. That is the exact language which occurs in the muchilika and in the plaint. It is true that in both these documents the land is described as 'jerayati' land, and it is upon the use of that word that the learned Pleader for the respondents has based his arguments and asked us to say that the defendants are ryots and that the land is their occupancy holding and so on. These inferences do not, it seems to us, necessarily arise from the use of the word 'jerayati'. 'Jerayati' may mean cultivable land but it is also used in this Presidency as opposed to inam land.

2. Section 3 of the Estates Land Act defines rent as meaning 'whatever is lawfully payable in money or in kind or in both to a landholder for the use or occupation of land in his estate for the purpose of agriculture.' Here the land was not used or let for the purpose of agriculture. It does not appear that it was ever used for purposes of agriculture. But whatever that may be, it was certainly let for the purpose of building houses, not for agricultural purposes. That being so, the money payable on account of it is not rent within the meaning of Section 3 of the Estates Land Act, and the suit is, therefore, cognizable by the Civil Court and not by the Revenue Court. We allow this revision petition and direct the Deputy Collector to forward the plaint to the District Munsif, who will receive it on his file and dispose of the case according to law. The costs will abide the result.