

Emperor Vs. Mathura Prasad

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SooperKanoon Citation : sooperkanoon.com/862654

Court : Kolkata

Decided On : Feb-06-1902

Judge : Prinsep and ;Stephen, JJ.

Appellant : Emperor

Respondent : Mathura Prasad

Judgement :

Prinsep and Stephen, JJ.

1. The object of the reference seems doubtful. The Subdivisional Magistrate, who is also Chairman of the Municipality, has in one order convicted the accused under Section 273 (1) of the Bengal Municipal Act, 1884, and, in addition to sentence, has, as Chairman, in the same order directed the demolition of the addition made to his house. The act condemned is the commencement of a second storey without permission. We can find no necessity for such permission. The Building Regulations, Section 236 et seq, relate to building or rebuilding a house. The previous sections relating to alteration of a house contemplate obstruction or encroachments on roads. This is not the ground of objection. We do not therefore see how the case comes within Section 273 (1). Consequently we set aside the whole order. The fine, if paid, will be refunded.