

In Re: the Matter of the Petition of Prayag Singh and ors. and Vs. Prayag Singh

In Re: the Matter of the Petition of Prayag Singh and ors. and Vs. Prayag Singh

SooperKanoon Citation : sooperkanoon.com/868573

Court : Kolkata

Decided On : Jul-19-1882

Reported in : (1883)ILR9Cal103

Judge : Wilson and ;O'Kinealy, JJ.

Appellant : In Re: the Matter of the Petition of Prayag Singh and ors. and ;The Empress

Respondent : Prayag Singh

Judgement :

Wilson, J.

1. The order of the Assistant Magistrate must be set aside as made without jurisdiction. The order under Section 518 can only be made when it is necessary to prevent obstruction, annoyance or injury to the person or injury to human life, health, or safety or a riot or affray. Such an order cannot be made merely for the protection of property.

2. In the present case, taking the Assistant Magistrate's finding at the highest, it cannot amount to more than this, that the bund in question diminishes the supply of water to the land lying at a lower level.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com