

the relief claimed in the present suit. For these reasons we think that the Subordinate Judge was right in refusing to allow an amendment of the written statement. Therefore the memorandum of objections is also dismissed with costs.

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APPELLATE CIVIL.

Before Mr. Justice Shephard and Mr. Justice Davies.

KALIANA SUNDARAM AYYAR AND OTHERS (DEFENDANTS
Nos. 2, 3, 4, 6, 9, 10 and 19), APPELLANTS,

1897.
August 25.
September
9, 23.

v.

UMAMBA BAYI SAHEB AND OTHERS (PLAINTIFF AND DEFENDANTS
Nos. 13 to 18), RESPONDENTS.*

*Religious Endowments—Fort Pagodas at Tanjore—Right of management on death
of the senior widow of the late Maharajah of Tanjore.*

After the death in 1855 of the late Rajah of Tanjore without male issue, Government assumed charge of the Fort Pagodas, of which he was the hereditary trustee. Subsequently, his senior widow Her Highness Kamakshi Bayi Saheba applied that they should be handed over to her as the head of the family for the time being; and Government in 1863 made an order saying "it is desirable that the connection of Government with the pagodas should cease; they will accordingly be handed over to Her Highness Kamakshi Bayi Saheba." The pagodas and their endowments were handed over in pursuance of that order and were held by the senior widow till her death in 1892. On her death Government ordered that they should be placed under the Devasthanam Committees of the circles in which they were situated. The senior surviving widow now claimed to be entitled to possession and the right of management by succession, and sued accordingly:

Held, that Government intended to make an absolute transfer in 1863 without any reservation of a reversionary right to make a new appointment, and that whether Her Highness Kamakshi Bayi Saheba took the trust property for a widow's estate, or as stridhanam, the plaintiff was entitled to succeed.

APPEAL against the decree of C. Venkobachariar, Subordinate Judge of Tanjore, in Original Suit No. 3 of 1894.

The plaintiff sued as the senior surviving widow of His Highness Sivaji Maharajah Saheb, the last Rajah of Tanjore to recover possession of the Fort devasthanams and their endowments.

* Appeal No. 234 of 1895.

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The seven surviving widows of the late Rajah were joined as defendants, and a question was raised whether the plaintiff was in fact the senior widow and as such the head of the family. This question was answered in the plaintiff's favour in the Subordinate Court and it was not re-agitated on the appeal. The first defendant was the Secretary of State for India. The other defendants were respectively members of the Devastanam Committees of the Tanjore and Kumbakonam Circles. These committees were respectively in possession of the devastanams and other properties to which the suit related, under Proceedings of the Government in the Political Department, dated 22nd September 1892.

The late Rajah died on 27th October 1855 and the Government of Madras by an act of state took possession of his state and his private property. Subsequently under Proceedings of the Madras Government, dated 21st August 1862, the estate was handed over to his senior widow Her Highness Kamakshi Bayi Saheba. These Proceedings contained the following directions:—

“The estate will therefore be made over to the senior widow who will have the management and control of the property; and it will be her duty to provide in a suitable manner for the participative enjoyment of the estate in question by the other widows, her co-heirs. On the death of the last surviving widow, the daughter of the late Rajah or failing her the next heirs of the late Rajah, if any, will inherit the property.”

Subsequently Her Highness Kamakshi Bayi Saheba in 1862 addressed Government on the subject of the institutions in question in the present suit as to which her memorial, dated 24th December 1862, contained the following passages:—

“Finally your memorialist prays that the pagodas and charitable institutions which have been founded from time to time by members of her family may now be made over to her as the head of the family for the time being. No objection, she submits, can arise from the circumstance of her being a female; for the Ranees of Ramnad is the acknowledged head of all the charities in her zamindari, and has been so judicially declared by the late Court of Sudder Uddalut, nor are there abundant other instances wanting of such trusts vesting in women. The Government has recently avowed the policy of disconnecting itself with the religious endowments of the Hindus. Bills for that purpose, your memorialist is informed, have recently been introduced both in

“ your Excellency’s Legislative Council and in the Supreme Legisla-
 “ tive Council at Calcutta. Indeed, your memorialist is informed
 “ on what she believes good authority, that the Government of
 “ Madras has long since been anxious to relinquish the charge of
 “ these endowments (the care of which was thrust upon it by the
 “ measures following on the Rajah’s death) in favour of a member
 “ of the family. Mr. Phillips, then Commissioner of Tanjore, is
 “ understood to have gone so far in 1858, as to have recommended
 “ the Government to make them at once over to Suckkaram Saheb,
 “ though the Government did not think fit to sanction that pro-
 “ posal. Your memorialist will not open up the unhappy circum-
 “ stances which would necessarily make such a measure personally
 “ repulsive not only to herself but to all the other members of the
 “ Rajah’s family. The steps which led to Suckkaram Saheb’s
 “ marriage with the Rajah’s surviving daughter, have been more
 “ than tacitly condemned by the Supreme authorities in England
 “ and India. It is not essential that the charge of these endow-
 “ ments should be vested in a male; and she submits that she
 “ is the fit and proper person as the senior widow of her late
 “ husband to have the charge of the charitable endowments of the
 “ family.”

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The then Government Agent at Tanjore in forwarding to the Government of Madras the memorial just referred to wrote *inter alia* as follows:—“ With reference to fourth item of claim in the
 “ memorial, viz., the management of the charitable and religious
 “ institutions which were under the charge of His Highness the
 “ late Rajah, the right of Government in a legal point of view to
 “ provide in whatever way they might deem fit, for the superin-
 “ tendence of these institutions, has already been placed beyond
 “ all question. The only question therefore now for consideration
 “ is, whether it would be expedient or beneficial to hand over
 “ the superintendence of them to the memorialist.

“ As regards the devasthanams or the religious institutions, I
 “ am of opinion that it is highly desirable that all connection with
 “ them on the part of Government should cease. Indeed such ought
 “ to have been the case long ago, for Government, in their Order
 “ of 21st July 1858, No. 461 (paragraph ¶1), expressly directed
 “ the then Commissioner to take measures for the disposal of the
 “ pagodas, and also at the same time throw out a suggestion
 “ whether they might not be made over wholly or in part to

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“Suckkaram Sahib, son-in-law of the late Rajah, as sole trustee.
 “No steps, however, appear to have been taken to give effect to
 “their order on account of the ill-feeling which existed amongst
 “the several immediate members of the Rajah’s family, and the
 “difficulty which presented itself in fixing upon a particular in-
 “dividual for the trust contemplated. Now, however, that the
 “memorialist Her Highness Kamakshiamba Bayi Sahiba, has
 “been recognized as the head of the family, and has had the
 “whole of the private property of the late Rajah made over to
 “her, I conceive the Government will be disposed to accede to her
 “request, as far as it relates to the management of the pagodas.

“With respect to the chattrams, I have the honour to state that
 “I am not prepared to support the memorialist’s request. If I
 “had any guarantee that they would be properly managed by
 “Her Highness Kamakshiamba Bayi Sahiba, I should be happy
 “to recommend that they should be made over to her, but un-
 “fortunately such is not the case. Her Highness is, by reason
 “of her sex and position, positively precluded from exercising
 “anything like a personal control over her affairs, and I am
 “compelled to add that my intercourse during the last few months
 “with those whom she would employ, has not given me any high
 “opinion of their integrity, nor made me think that they would
 “use the chattram property in any other way than as a means
 “for aggrandizing themselves. I hope that I shall not be mis-
 “understood; I do not doubt the good faith of the memorialist
 “herself, but I cannot say as much for her agents. These
 “chattrams are, as the Government are aware possessed of exten-
 “sive endowments, yielding an annual income of upwards of
 “a lakh and a half of rupees, and as the system sanctioned
 “by Government in their Proceedings of the 15th December 1857,
 “No. 1046, under which the management of these institutions is
 “vested in the Collector under the provisions of Regulation VII of
 “1817, has been found to work admirably for the last five years,
 “and has given general satisfaction, I beg most earnestly, for the
 “sake of the District of Tanjore and of all those really interested
 “in these chattrams, that they may not be handed over to the
 “memorialist.”

On these and certain other documents, the Government on
 19th March 1863 made an order which, so far as it related to the
 present matter, was in the following terms:—

“The Governor in Council concurs in the opinion of the Officiating Government Agent that it would not be advisable to remove the chattrams belonging to the late Rajah from the control of the Collector. It is desirable that the connection of Government with the pagodas should cease, and they will accordingly be made over to Her Highness Kamakshi Bayi Saheba.”

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In pursuance of this order the devasthanams were handed over to Her Highness Kamakshi Bayi Saheba, and she held possession of them until her death which took place in January 1892. The present plaintiff now claimed that, from the last-mentioned date, she came entitled to their possession and management in succession to the late Raneec. After referring to the above circumstances and stating that the trusteeship had long been hereditary in the late Rajah's family the plaint continued:—

“The Government, however, by its Order, dated the 22nd September 1892, No. 537, Political Department, informed her (the plaintiff) that the management thereof had been directed to be transferred to the local Temple Committees; that, on receipt of this order, the Collector and Government Agent at Tanjore in October following unlawfully took possession of the said devasthanam records and office, as well as its treasury containing cash, jewels and other valuables; further arranged with Nagaraja Punt, who had been appointed by Her Highness Kamakshi Bayi Saheba as devasthanam agent under her, and who, after her death, was *de facto* manager, to hold the management under his orders and eventually made over all the properties to the Temple Committee of Tanjore Circle, who in their turn, on the application of the Committee of Kumbakonam Circle, transferred to them such of the pagodas as were lying within their circle together with their endowments and that, in this manner, the pagodas and their endowments described in schedule A to the plaint as well as the properties described in schedule C, which are dedicated for all the plaint pagodas including those in schedule B, both properties being within the jurisdiction of this Court, remain in the possession of the Temple Committee of the Tanjore Circle, represented by defendants Nos. 2 to 5, while the pagodas and their endowments mentioned in schedule B; lying within the jurisdiction of the Kumbakonam Subordinate Court, have passed into the possession of the Committee of Kumbakonam

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“ Circle represented by defendants Nos. 6 to 12. Plaintiff further
 “ states that the Government had no manner of right to so resume
 “ the said devasthanams all or any of them, or to transfer their
 “ possession and management to the Temple Committee of the Tan-
 “ jore or Kumbakonam Circle ; that the said committees appointed
 “ under Act XX of 1863 have no jurisdiction under the provisions
 “ of that Act over these devasthanams ; that the claim, if any, on
 “ their part to possession and management or to exercise control
 “ over them under the provisions of that Act, has long ago become
 “ barred by limitation ; that plaintiff gave notice of action to the
 “ Secretary of State for India in Council on the 17th May 1893 ;
 “ and that she also served notices upon the Temple Committees
 “ demanding possession of the properties in their custody and
 “ management but without any effect.”

The written statement put in on behalf of the Secretary of State was to the following effect :—“ First defendant states that
 “ the plaint pagodas and their endowments were not the private
 “ property of the Rajahs of Tanjore ; that under the treaty of the
 “ 25th October 1799 by which the province was ceded, no provi-
 “ sion was made for the retention by the Rajah of any share in
 “ the management of these or any other pagodas or their endow-
 “ ments ; that subsequently however, the Government by its Order,
 “ dated 5th July 1800, allowed the Rajah to exercise authority
 “ and superintendence over the pagodas in the Fort of Tanjore
 “ amounting in number to 59 or so, and directed the amount of
 “ their endowments to be paid by the Collector to the Resident on
 “ his account, and also consented to his appointing an officer for
 “ the purpose of ascertaining the appropriation of the revenue of
 “ 43 other pagodas, without at the same time allowing such officer
 “ to have any control or authority over the expenditure in con-
 “ nection therewith ; that it was by virtue of this order and with
 “ the sanction of Government, the management of the plaint
 “ temples and their endowments vested in the Rajah and it was
 “ subject to the conditions contained in the order itself ; that
 “ again when these properties were taken possession of by the
 “ Government on the death of His Highness Sivaji along with his
 “ other properties, by an act of state as held by the Judicial Com-
 “ mittee of the Privy Council, the Government appointed their
 “ own officers to manage them, as then there were no existing
 “ means of supervision and the Religious Endowments Act, XX

“ of 1863, had not been passed into law and it was in fact quite
 “ competent for them to do so ; that the officers so appointed had
 “ been managing the properties until about the 19th March 1863,
 “ when Her Highness Kamakshi Bayi Sahiba agreed to have
 “ them under her management ; that upon her undertaking, those
 “ properties were handed over to her, but not ‘ unconditionally
 “ restored ’ to her as stated in the plaint ; that she was then
 “ managing the properties until her death, not as of right and
 “ by virtue of her being the senior Ranee entitled to succeed
 “ to the Rajah’s personal properties, but as a person appointed by
 “ Government to manage them ; and that, after her death, the
 “ Government in the exercise of their rights of management of
 “ those properties and of appointment of trustees, managers or
 “ superintendents thereof, which rights they had all along retained
 “ in themselves, transferred them to the local Temple Committees
 “ appointed under Act XX of 1863. This defendant contends
 “ that, by ordering delivery of these properties to Her Highness
 “ Kamakshi Bayi Sahiba, the Government did not divest them-
 “ selves of their right to make such further or other arrangements
 “ as they might think proper with regard to their management
 “ and superintendence ; that thereby they did not recognise or
 “ admit any right thereto on the part of the former Rajahs or in
 “ Her Highness Kamakshi Bayi Sahiba or in any senior Ranee
 “ of Tanjore ; that the order after all was purely an executive
 “ one and could be cancelled or varied by them at any time ; that
 “ again the order transferring the properties to the Temple Com-
 “ mittees was also perfectly legal and within the rights of the
 “ Government, who did not thereby resume them as alleged by the
 “ plaintiff ; that the senior Ranee among the widows of the late
 “ Rajah and in that capacity the plaintiff has no right to their
 “ management ; further, that the action of the Collector in taking
 “ possession thereof was not unlawful, but in pursuance of the
 “ orders of the Government ; and that the Temple Committees after
 “ the transfer of the properties to them, acquired all the rights
 “ conferred and were bound to perform all the duties imposed upon
 “ them by Act XX of 1863 in relation to those properties. He
 “ further denies that the claim of the Temple Committees is barred
 “ by limitation as stated by the plaintiff.”

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In the written statement of first defendant was raised a further contention that Kamakshi Bayi Sahiba by the delivery of the

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plaint devastanams made to her "did not become a trustee of the said pagodas and their endowments and liable as such for maladministration, but was merely a manager during the pleasure of Government." This contention, however, was withdrawn before the settlement of issues on first defendant's motion accordingly, and the written statement was amended and paragraph 14 which raised this contention was struck out.

The Devasthanam Committee of the Kumbakonam Circle adopted the defence of the Secretary of State, as also did the Devasthanam Committee of the Tanjore Circle who, however, added that the right of management of the plaintiff properties, even if it belonged to the family of the widows of the late Rajah, vested jointly in all the surviving Ranees, and the claim of the plaintiff to the exclusion of the other Ranees, was therefore not sustainable; that the plaintiff and other Ranees had been already found by judicial decision incompetent to manage the trusts in question and the suit was unsustainable on this ground also; and lastly, that the assumption by the Government of the possession of the plaintiff properties and the transfer thereof to the Devasthanam Committees, even if not legal for the reasons set out in the first defendant's written statement, constituted an act of state into the validity, of which the Court had no jurisdiction to inquire.

Various other pleas were raised by certain of the defendants, including that already alluded to, as to the plaintiffs' status as senior widow, and another to the effect that if the right of management vested in the plaintiff at all, it vested in her jointly with her co-widows. These pleas, however, were overruled in the lower Court and subsequently abandoned.

The Subordinate Judge held that the late Maharajah was the hereditary trustee of the temples in question; the Government restored them unconditionally to Her Highness Kamakshi Bayi thereby divesting itself of all rights in them; that by such restoration Her Highness Kamakshi Bayi acquired a heritable interest which passed on her death to the plaintiff as the senior surviving widow, and accordingly that Government acted illegally in taking possession on her death. He consequently passed a decree for the plaintiff.

The members of the Devasthanam Committees of the Tanjore and Kumbakonam Circles preferred this appeal.

Pattabhirama Ayyar for appellants.

The Acting Advocate-General (Hon. V. Bhashyam Ayyangar) and *Jivaji* for respondent No. 1.

K. N. Aiya for respondents Nos. 2 and 6.

SHEPHARD, J.—The appellants are the members of the two Devasthanam Committees of Tanjore and Kumbakonam. The first respondent is the senior Rancee of the late Maharajah of Tanjore.

The suit relates to certain devasthanams known as the Fort or Palace Devasthanams and their endowments, of which the first respondent claims to be hereditary trustee in succession to her co-widow Her Highness Kamakshi Bayi who died in 1892. Numerous questions appear to have been raised at the trial^s in the Court below, but in this Court the appellants' vakil did not argue the questions involved in the last seven issues and confined himself to the contentions hereinafter mentioned.

Whatever estate or interest the late Kamakshi Bayi did acquire, was undoubtedly acquired by her, under the Order of Government, dated 19th March 1863, which concludes with the words:—"It is desirable that the connection of Government with the pagodas should cease, and they will accordingly be made over to Her Highness Kamakshi Bayi Sahiba." Some attempt was made to show that the late Maharajah who died in 1855 and whose property was thereupon seized by the Government in the exercise of its sovereign power (see *The Secretary of State in Council of India v. Kamachee Boye Sahaba*(1)) was not the trustee of these pagodas, but possessed over them nothing more than the *Melkoina* or sovereign right of superintendence. This point is, in my opinion, sufficiently dealt with by the Subordinate Judge* in the 17th and following paragraphs of his judgment. There is a clear distinction made in the documents exhibited between the public and the Fort temples. The latter are spoken of by Commissioner Phillips, in his letter of the 13th June 1857, as "possessions of the Raj, which must unavoidably remain under management by Government officers until the final settlement of Tanjore affairs." I think the Subordinate Judge is clearly right in holding that the late Raja was trustee of these pagodas.

That being so, the only question is what was the intention of Government in passing the order abovementioned of the 19th March 1863. It is necessary to consider the circumstances which

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(1) 7 M.L.A., 476,

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led up to that order. On Mr. Phillips' letter abovementioned, the Government obtained the opinion of the Advocate-General as to the course which they could legally adopt with regard to the pagodas and their revenues, and on the 21st July 1858, an order is passed which concludes with the following words:—"Under these circumstances, the Governor in Council requests that the Commissioner will proceed at once to take measures for the disposal of the pagodas on the principles above indicated and for making them over to trustees, reporting the arrangements which he would propose for the sanction of Government before their being carried out. It has occurred to Government that these devastanams might be made over wholly or in part to Suckkaram Saheb, son-in-law of the late Rajah, as sole trustee, but on this point they would desire to have Mr. Phillips' opinion."

On the 21st August 1862 an order was made by Government to the effect that the private property of the late Rajah should be handed over to the senior Ranee, the late Kamakshi Bayi, on the terms mentioned therein (see *Jijoyiamba Bayi Saiba v. Kamakshi Bayi Saiba*(1)). The nature of these terms was such that the senior Ranee and the other Ranees and the Rajah's daughter were practically placed as between themselves in the position, in which they would have been under Hindu Law, had no confiscation of the property taken place. On the 13th January 1863 the Government Agent sends up to Government a memorial from the senior Ranee with his report upon it. In the memorial occurs this passage:—"Finally, your memorialist prays that the pagodas and charitable institutions, which have been founded from time to time by members of her family may now be made over to her as the head of the family for the time being. No objection, she submits, can arise from the circumstance of her being a female; for the Ranee of Ramnad is the acknowledged head of all the charities in her zemindari, and has been so judicially declared by the late Court of Saddr Addalat." The memorial ends with the submission that the memorialist is "the fit and proper person as the senior widow of her late husband to have the charge of the charitable endowments of the family."

In his report the Government Agent distinguishes between the pagodas and the chattrams. With regard to the former, he writes :

(1) 3 M.H.C.R., 428.

“Now, however, that the memorialist Her Highness Kamakshi Bayi Sahiba, has been recognized as the head of the family, and has had the whole of the private property of the late Rajah made over to her, I conceive the Government will be disposed to accede to her request as far as it relates to the management of the pagodas.” It is on these materials that the Order of the 19th March 1863 was passed in the following language:—“it is desirable that the connection of Government with the pagodas should cease, and they will accordingly be made over to Her Highness Kamakshi Bayi Sahiba.”

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The extreme contention on the part of the appellants in the Court below seems to have been that the intention of Government was to constitute the senior Ranees, a mere manager removable at pleasure and not to vest any estate in her. That contention was not pressed upon us at the hearing of the appeal; but it was argued that if the senior Ranees took any estate, it was only an estate for life and our attention was called by way of contrast to the terms of the disposition of the Rajah's private property expressed in the Order of the 21st August 1862.

Whatever may have been the intention of Government as to the devolution of the estate on the death of Kamakshi Bayi Sahiba, I think it clear that they intended to make an absolute transfer without any reservation of a reversionary right to make a new appointment. The evidence shows that at the time the Government was anxious to divest itself and its officers of the charge of religious endowments. Only nine days before the order of Government was passed, the Act XX of 1863 received the sanction of the Governor-General. By that Act a distinction was drawn between those temples whose trustees had been appointed by Government and those which had been managed by hereditary trustees. It being competent to the Government to deal with the Fort pagodas in such manner as they thought fit, they treated the pagodas as if they belonged to the latter class dealing with them in accordance with the provisions of section 4 of the Act. There is nothing to show that the resolution so to treat them was intended to be in any way conditional, or that it was intended to leave it an open question whether at some future time the pagodas might be dealt with in some other way.

The question still remains what was the precise nature of the estate intended to be taken by the senior Ranees. It must be taken

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that the estate was in the nature of self-acquired property in the Ranees' hands, in this sense, that her rights were derivative from Government and had no relation back to inheritance on the death of the Rajah. That was the view taken with regard to the private property restored by the Order of 21st August 1862 (see *Jijoyiamba Bayi Saiba v. Kamakshi Bayi Saiba*(1)). In the order relating to the pagodas there are no express terms, such as there were in the earlier order, regulating the enjoyment and devolution of the estate. The intention of Government may, however, I think, be gathered from the terms of the memorial and the report on which the order proceeded. In the memorial the senior Ranees prays that the pagodas may be handed over to her "as the head of the family for the time being." The Government Agent supports her claim on the same grounds, saying that, as she has been recognized as the head of the family and has had the private property made over to her, he conceives the Government will be disposed to accede to her request regarding the pagodas. The Government does accede to her request, so recommended by the Agent, and I think it may be fairly inferred that the intention was that she should assume the management of the pagodas in the capacity in which she asked for it, that is to say, as the head of the family for the time being. It cannot be suggested that it was in any other capacity than that of widow of the late Rajah that she was chosen as the person to whom the trust should be made over. And it must be presumed that the Government in making the grant had in view the personal law of the family to which the grantee belonged and intended to create an estate consonant to that law (see *Mahomed Shumsool v. Sheewukram*(2), *Kunhacha Umma v. Kutti Mammi Hajee*(3)). This being so, the inference is, I think, irresistible that the intention was to grant a widow's estate, that is, to put Kamakshi Bayi in the position which she would have enjoyed had there been no confiscation on the death of her husband the Rajah.

The Advocate-General put the case in two ways. He argued that it was the intention of Government either to confer on Kamakshi Bayi, a widow's estate or to grant the trust property to her as *stridhanam*. In either view he contended the plaintiff would, on the death of Kamakshi Bayi, without issue, be the

(1) 3 M.H.C.R., 428.

(2) L.R., 2 I.A., 7.

(3) I.L.R., 16 Mad., 201.

person entitled to succeed. A consideration of the circumstances under which the grant was made, in my opinion, strongly indicates the intention of Government to adopt the former course, and that view of the grant is further supported by the presumption which exists in favour of the supposition that the estate when re-granted to a member of the original family was intended to possess the qualities which it possessed in the hands of the former holder. For these reasons, I think the Subordinate Judge has come to a right conclusion and I would dismiss the appeal with costs to be paid by the appellants to the first respondent.

DAVIES, J.—I concur throughout.

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APPELLATE CRIMINAL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice, and
Mr. Justice Benson.*

QUEEN-EMPRESS

v.

VIRAPPA CHETTI.*

1896.
December
10, 17.

*Penal Code—Act XLV of 1860, ss. 268, 283—Encroachment on public highway—
Public nuisance.*

Whoever appropriates any part of a street by building over it infringes the right of the public *quoad* the part built over, and thereby commits an offence punishable under Penal Code, section 290, if not one punishable under section 283.

APPEAL on behalf of Government under section 417 of the Code of Criminal Procedure against the judgment of acquittal pronounced by the Second-class Magistrate of Nannilam in Calendar Case No. 225 of 1896.

The accused was charged with the offence of causing obstruction in a public way punishable under section 283, Indian Penal Code. The accused was the owner of a house in a street in the Nannilam Union. The charge was that, early in 1895, he widened the pials in front of his house by about three feet and thereby encroached upon the street. A notice was served on him under section 98 of the Local Boards Act, directing him to remove the encroachments.

* Criminal Appeal No. 422 of 1896.