

APPELLATE CIVIL.

Before Sir. S. Subrahmania Ayyar, Officiating Chief Justice,
and Mr. Justice Sankaran Nair.

SHIVA RAO (SECOND CLAIMANT), APPELLANT,

v.

NAGAPPA AND OTHERS (FIRST AND THIRD CLAIMANTS),
RESPONDENTS.*

1905
August 21.

Land Acquisition Act I of 1894, s. 54—Appeal against award—Hindu Law—Charity properties prima facie inalienable.

Properties set apart for charities are *prima facie* inalienable; and where such properties are acquired under the Land Acquisition Act, the award made thereunder may direct the investment of the compensation money in Government securities.

An appeal lies against the award in so far as it directs investment under section 54 of the Land Acquisition Act.

THE facts necessary for this report are set out in the judgment.

Mr T. Richmond for appellant.

Mr. J. L. Rosario for first respondent.

JUDGMENT.—We are clearly of opinion that an appeal lies against the award in so far as it directs the money to be invested in the purchase of Government promissory notes, it being the appellant's case that, no order for investment should have been made, the land being alienable. The language of section 54 of the Land Acquisition Act (I of 1894) is wide enough to admit of an appeal in such a case as this.

Though the precise nature of the family charity is not stated, yet it is the case of both the parties that the land taken up by Government was the endowment of the family charity. It is not the appellant's case that the charitable trust has been put an end to and so long as the trust lasts, the land is *prima facie* not alienable. The order for investment was therefore rightly made. If the appellant wishes to have the investment changed and landed property acquired with the money deposited, that can of course be done on proper application.

The appeal is dismissed with costs.

* Appeal No. 100 of 1904, presented against the award of H.O.D. Harding, Esq., District Judge of South Canara, in Original Petition No. 312 of 1903.