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which made the reference and showing that it is invalid for various reasons which are specified in paragraph 15 "or otherwise". It seems to us, therefore, that this paragraph contemplates the entertaining by the first court of all possible grounds which can be urged against the validity of the award, and amongst those grounds, we conceive, is included the ground which has now been raised here, namely, that what purports to be an award is, by reason of certain events which are said to have happened prior to the reference, not an award at all.

Paragraph 16, schedule II, shows clearly that the right of appeal in the case where an award has been made is of a strictly limited nature, and it was no doubt for that reason that the Full Bench held, as we have said above, that it was the policy of the legislature to give finality to the decisions of arbitrators. We, therefore, hold that no proper case has been made out which would justify our granting the certificate asked for, and we accordingly dismiss this application with costs.

*Application dismissed.*

## REVISIONAL CRIMINAL.

*Before Mr. Justice Kanhaiya Lal.*

EMPEROR v. RAM SARUP.\*

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August, 31.

*Act (Local) No. II of 1916 (U. P. Municipalities Act), sections 178, 185, 186, 307—Municipal Board—Prosecution for building otherwise than in accordance with sanction granted—Sanction not specifying details as to manner in which construction permitted was to be built.*

Sanction was given by a municipal board to one RS to make an extension to a *chabutra* belonging to him, but the

\* Criminal Revision No. 453 of 1925, from an order of G. C. Badhwar, Sessions Judge of Aligarh, dated the 2nd of June, 1925.

sanction did not specify anything as to the details of construction, e.g., whether the proposed addition was to be supported on brackets or pillars or earth, and in this case brackets were used. *RS* was ordered to remove the brackets, but refused to do so and was prosecuted. *Held* that *RS* had incurred no liability under section 307 of the United Provinces Municipalities Act, 1916.

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THIS was an application in revision against a conviction and sentence under section 307 of the United Provinces Municipalities Act, 1916. The facts of the case sufficiently appear from the judgement of the Court.

Maulvi *Muhammad Abdul Aziz* for the applicant.

The Assistant Government Advocate (*Dr. M. Waliullah*) for the Crown.

KANHAIYA LAL, J.—The applicant, Ram Sarup, applied to the Municipal Board of Hathras to extend his *chabutra* by two feet in an almost triangular line so as to make the new *chabutra* and the old *chabutra* form a rectangle. He also mentioned that he may be granted permission to put a stone on the drain to serve as a step for getting on to the *chabutra*. The map attached to the application explains the position and the form in which the new *chabutra* was to be built. This sanction was granted. At the time the application for sanction was made, it was not mentioned that the new *chabutra* would rest on stone brackets. The applicant is now being prosecuted for having put up stone brackets to support the new *chabutra*, for the construction of which the Municipality had already granted its sanction. A *chabutra* can only rest on earth or on brackets, and as the sanction did not limit the discretion of Ram Sarup to build it in any particular form, it was open to him to erect stone brackets for supporting the new *chabutra*.

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The prosecution is wholly unjustified. The construction of the *chabutra* was made with the sanction of the Municipal Board obtained under section 178 of the United Provinces Municipalities Act, II of 1916, and a separate sanction for the erection of stone brackets to support the *chabutra* was not needed. The Municipal Board issued a notice under section 186 requiring Ram Sarup to stop the erection of the stone brackets but he refused to stop the erection. The trying Magistrate and the learned Sessions Judge were of opinion that by refusing to stop the erection of the stone brackets he had incurred a liability under section 307 of the Act; but section 186 read with section 185 refers to the construction made either in contravention of the requirements of section 178, or in contravention of the written directions given by the Board under section 118 or any bye-law. There is no bye-law pointed out to us in this case and there is nothing in the sanction to forbid the use of stone brackets as supports for the *chabutra*. The learned Sessions Judge also observes that Ram Sarup had extended his *chabutra* beyond the size sanctioned by the Board by six inches, but there is no mention of any such extension in the notice issued to him by the Municipal Board, nor was that one of the grounds taken by the Municipal Board in the trial court. In fact the contention of Ram Sarup is that his *chabutra* does not extend beyond two feet anywhere, and that matter not having been a part of the original complaint, it cannot be tried here. The application is allowed and the conviction and sentence passed on the applicant are set aside. The fine, if realized, will be refunded.

*Application allowed; conviction quashed.*