

APPELLATE CIVIL.

Before Mr. Justice Parsons and Mr. Justice Ranade.

1900.
February 28.

SHASTRI RAMCHANDRA (ORIGINAL PLAINTIFF), APPELLANT, v THE AHMEDABAD MUNICIPALITY (ORIGINAL DEFENDANT), RESPONDENT.*

Municipality—District Municipal Act (Bombay Act VI of 1873), Sec. 21—Acquisition of land for widening a street—Powers of a Municipality—Civil Court's jurisdiction to interfere—Injunction.

Where a District Municipality purchased through Government a narrow strip of land at the entrance of a private street for the purpose of widening the street in order to facilitate the effective use of fire-engines,

Held, that the acquisition of land for such a purpose was within the powers of the Municipality, as it was conducive to the promotion of public health, safety and convenience; and that the Civil Court had no jurisdiction to restrain the Municipality from exercising such powers.

SECOND appeal from the decision of Ráo Bahádur D. G. Gharpure, Additional First Class Subordinate Judge, A. P., at Ahmedabad.

Plaintiff Ramchandra was the owner of a house in Jati's *pol* in Sankadisheri at Ahmedabad. In front of his house there was a small strip of open land at the entrance of the *pol*.

The Ahmedabad Municipality being desirous of purchasing this piece of land for the purpose of widening the street, in order to facilitate the effective use of fire-engines, applied to Government to acquire the land under the provisions of the Land Acquisition Act (I of 1894).

On the 4th of December, 1896, Government issued a notification, under section 6 of Act I of 1894, to the following effect:—

“No. 9825.—Whereas it appears to the Governor of Bombay in Council that land is required to be taken by Government at the public expense for a public purpose, *viz.*, for widening the road in Jati's *pol* in Sankadisheri, Ahmedabad; it is hereby declared that for the above purpose the land described below is required within the limits of the city of Ahmedabad.”

Thereupon plaintiff as a rate-payer brought the present suit for an injunction restraining the Municipality from expending municipal funds in the purchase of the land.

* Second Appeal, No. 726 of 1899.