
(1938) 12 AHC CK 0014

Allahabad High Court

Case No: None

Govind Prasad

APPELLANT

Vs

Mt. Batulan and Others

RESPONDENT

Date of Decision: Dec. 7, 1938

Citation: AIR 1939 All 251

Hon'ble Judges: Mulla, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Mulla, J.

The only question involved in this revision is whether a person who holds proprietary grove in a certain village but pays neither any revenue nor rent, nor any local rate can be deemed to be an agriculturist within the definition of that term in Section 2, Agriculturists' Relief Act. In my view the answer must definitely be in the negative. A careful perusal of Section 2(2) of the Act will show that the law contemplates three classes of persons who are entitled to the benefit of the Act : firstly, persons paying revenue; secondly persons paying rent; and thirdly, persons paying some local rate under the District Boards Act. A money-lender residing in the city who purchases just one proprietary grove from some zamindar and does not hold any other land of any kind and consequently does not pay any revenue, rent or local rate, cannot possibly be deemed to be an agriculturist within the meaning of the Agriculturists Relief Act. The argument on behalf of the applicant is that his case falls within the purview of Clause (c) of Section 2(2) of the Act which runs as follows:

A person holding land free of revenue who pays a local rate u/s 109, District Boards Act, (Act 10 of 1922) not exceeding Rs. 120 per annum.

2. The argument is that he is not paying a local rate exceeding Rs. 120 per annum, because he is paying no local rate at all, and hence he is entitled to the benefits of

the Agriculturists' Relief Act. The argument, in my opinion, ignores the fact that the law requires affirmatively that a person should be paying a local rate, though it sets a limit to that payment. A person who does not pay any local rate at all and at the same time does not pay any revenue or rent is, in my opinion, not an agriculturist as defined by the Agriculturists' Relief Act. The result therefore is that I dismiss this application with costs.