

**Veerabhadrah Aiyar Vs. President, Corporation of Madras**

**LegalCrystal Citation :** [legalcrystal.com/785932](http://legalcrystal.com/785932)

**Court :** Chennai

**Decided On :** Jul-24-1916

**Reported in :** (1916)31MLJ315

**Appellant :** Veerabhadrah Aiyar

**Respondent :** President, Corporation of Madras

**Judgement :**

1. Petitioner in this case owns a cocoanut garden, which he has leased to a tenant. Under the lease the tenant is to pay Rs. 20 per mensem as rent and to keep the garden properly watered. If he does not want to water the garden, or fails to do so properly, the landlord is to arrange for the watering and the tenant is to pay Rs. 50 per mensem. The tenant has chosen the latter alternative. It is now contended that the gross rent of the land is only Rs. 20 per mensem, as the balance of Rs. 30 is paid to meet watering charges and cannot be treated as rent. It is, however, perfectly clear that the watering does not benefit the tenant alone, but it is also beneficial to the landlord for it preserves his property in good condition. If the land were not leased out the landlord would have to water the garden and would himself get the usufruct. Under the lease he continues to water the garden, but instead of getting the usufruct he gets Rs. 50 per mensem and this amount is clearly the gross rent being the amount paid to the landlord for the occupation of the land and enjoyment of the usufruct. Gross rent is not defined in the Madras Municipal Act but in the Valuation of Property (Metropolis) Act (1869) 32 & 53 Vic. 67 we find 'gross value' defined as follows i.e., 'the annual rent which a tenant might reasonably be expected to pay for an hereditament, if the landlord undertook to bear the expenses necessary to maintain the hereditament in a state to command that rent.' Applying this definition we find the gross value of the garden to be Rs. 600 i.e., the annual rent at Rs. 50 per mensem, the amount received by the landlord for the land maintained in a proper state.

2. The Presidency Magistrates are right in their conclusion and we dismiss the reference with costs.