

1953

Present : ROSE C.J.

K. V. SÁRIS APPUHAMY, Appellant, and CEYLON TEA
PLANTATIONS CO., LTD., Respondent

S. C. 86—C. R. Nuwara Eliya, 19,155

Rent Restriction Act, No. 29 of 1948—Section 13 (1) (d)—Interpretation

If a tenant of premises to which the Rent Restriction Act applies is convicted of an offence which has been committed on the premises and for the purpose of committing which the premises have been used, he is liable to be ejected by his landlord on the ground that he has been convicted of using the premises for an illegal purpose within the meaning of section 13 (1) (d) of the Act.

APPPEAL from a judgment of the Court of Requests, Nuwara Eliya.

E. B. Wikramanayake, Q.C., with *D. S. Jayawickreme*, for the defendant appellant.

H. W. Jayewardene, with *D. R. P. Goonetilleke* and *P. Ranasinghe*, for the plaintiff respondent.

October 28, 1953. ROSE C.J.—

In this case the defendant was ejected on the ground that he had been convicted of using the premises in question, a boutique, for an illegal purpose within the meaning of section 13 (1) (d) of the Rent Restriction Act, No. 29 of 1948. It appears that the tenant was convicted of an offence contra section 4 of Protection of Produce Ordinance (Cap. 28) in that he was found in possession of three gunny bags containing manufactured tea dust and eight gunny bags containing tea sweepings in such circumstances as it was reasonable to suspect that the same were not honestly in his possession and that he was unable to give a satisfactory account of his possession thereof. The fact of his conviction was not disputed. It appears that these eleven bags were found in the boutique which is in suit.

Now, Counsel for the appellant urges that there is no sufficient evidence that these premises were made use of for an illegal purpose, but it seems to me that the matter falls within the principle which has been laid down by the learned Judges in the case of *Schneiders & Sons Ltd. v. Abrahams*¹. There Scrutton L.J. says at page 310 " I come to the conclusion that the conviction need not be for using the premises for one or another immoral or illegal purpose and that it is enough if there is a conviction for a crime which has been committed on the premises and for the purpose of committing which the premises have been used ; but that it is not enough that the tenant has been convicted of a crime with which the premises have nothing to do beyond merely being the scene of its commission ":

¹ (1925) 1 K. B. 301.

It seems to me that the learned Commissioner was fully entitled to come to the view that this was a case in which the premises were made use of for the purpose of storing this tea which was reasonably suspected to have been stolen. That being so, the appeal must be dismissed with costs.

Appeal dismissed.

