

I agree with the judgment of the learned President of the District Court that a right to do what is claimed by the Plaintiffs might ruin the whole as Arazi-Mirié. There might be a strip of land owned sufficient only for the wells, which would be utterly destroyed if the chain of wells were made through it. It is not unlikely that this would frequently be the case if the Court found that the mutessarifs were entitled to do what is claimed. In such a case Art. 533 of the Mejellé would seem to be conclusive.

TYSER, C.J.
&
FISHER, J.
—
MICHAÏLI
TSINKI
AND
OTHERS
v.
KING'S
ADVOCATE
—

If there is any building involved in the chain of wells as the wells are not necessary for the user of the land it would appear that even the Tapou Memour could not grant leave to make them (Land Code, Art. 32).

It may be thought that this interpretation of the law will work hardship on the possessors of Arazi-Mirié lands. But the law is quite clear.

The authorities cited for the Plaintiffs support the view we have taken. Moreover any other interpretation might cause grievous harm to the community.

In a country like Cyprus, where there is so often a dearth of water, it would be a great misfortune to the community if a few people could get control of the main source of the summer water without any obligation to supply the needs of the community or any restriction in the price they might charge or any regulation to prevent that lamentable waste which is sometimes seen when individuals or communities have an uncontrolled right over water.

FISHER, J., concurred.

Appeal dismissed without costs.

The case of *Mehmed Nihad Salih v. Effendizade Osman Nouredin* reported in pages 63-64 of the original edition is no longer of any importance.