NOTES

Landmark Cases on Law of Torts Series (Part 2): Nuisance/State Liability

Hanspal Bakul · 17 Aug 2026

State of Rajasthan v. Vidyawati AIR 1962 SC 933

Facts:

A government jeep, driven rashly and negligently by a driver employed by the State of Rajasthan, ran over a pedestrian named Jagdishlal, causing his death. His widow, Vidyawati, filed a suit claiming damages from the *State on grounds of vicarious liability.*

Issues:

- Whether the State could be held vicariously liable for the tortious act of its employee committed in the course of employment.
- Whether the old common law doctrine of sovereign immunity (borrowed from British India) still protected the State from such liability.

Judgement:

The Supreme Court held the ***State liable, applying ordinary principles of vicarious liability applicable to any employer.*** It rejected the outdated sovereign immunity plea, reasoning that a *welfare state cannot claim greater immunity than any other employer.* This case marked a progressive shift towards state accountability.

Kasturi Lal v. State of U.P. AIR 1965 SC 1039

Facts:

Kasturi Lal, a gold dealer, was arrested by police on suspicion of possessing stolen property. Gold and silver seized from him were kept in police custody. A police constable in charge of the malkhana misappropriated the gold and fled to Pakistan. Kasturi Lal sued the State for the loss.

Issues:

- Whether the State was liable for the tortious/negligent act of its police officers.

- Whether the act of seizing and storing property falls under “sovereign functions,” thereby attracting immunity.

Judgement:

The Supreme Court held the ***State NOT liable***, reasoning that the *act of seizure and custody of property was done in exercise of sovereign power (police function), distinguishable from Vidyawati’s case, which involved a non-sovereign function.* This judgement was widely criticised for reviving colonial-era immunity and creating an unjust distinction between sovereign and non-sovereign functions.

St. Helen’s Smelting Co. v. Tipping (1865) 11 HLC 642

Facts:

The defendant company operated copper smelting works near the plaintiff’s estate. Noxious fumes and vapours from the smelting process damaged trees, shrubs, and crops on the plaintiff’s land. The plaintiff sued for private nuisance.

Issues:

- Whether the character of the neighbourhood (industrial locality) could be a valid defence against a claim for actual physical damage to property.
- Whether nuisance law distinguishes between injury to property and mere personal discomfort.

Judgement:

The House of Lords held the defendant liable, laying down a crucial distinction: *where there is material/physical injury to property, the nature of the locality is irrelevant.* However, where the claim is *only for personal discomfort or inconvenience, the character of the neighbourhood becomes relevant.* This case remains the foundational authority for this distinction in nuisance law.

Radhey Shyam v. Gur Prasad Serai AIR 1978 All 86

Facts:

The defendant installed a flour mill on his premises, situated close to the plaintiff’s residential property. The mill’s operation caused excessive noise and vibrations, disturbing the plaintiff’s peaceful enjoyment of his residence.

Issues:

- Whether the installation and operation of the flour mill amounted to actionable private nuisance.
- Whether an injunction could be granted to restrain the defendant from operating the mill in a residential locality.

Judgement:

The Allahabad High Court held that the *noise and vibration from the mill constituted substantial interference with the plaintiff's comfortable enjoyment of his property, amounting to private nuisance.* An injunction was granted restraining the defendant from running the mill in a manner causing such disturbance. The Court reaffirmed that reasonable use of *one's property cannot extend to causing sensible discomfort to neighbours.*

Sturges v. Bridgman (1879) 11 Ch D 852

Facts:

The defendant, a confectioner, had used heavy pestles and mortars in his kitchen for over 20 years, causing noise and vibration. A doctor (plaintiff) later built a consulting room at the end of his garden, adjacent to the confectioner's premises, and found the noise disturbed his medical practice.

Issues:

- Whether the defendant could claim a prescriptive right to continue the nuisance since the activity had existed for over 20 years.
- Whether "coming to the nuisance" (plaintiff moving next to an existing activity) is a valid defence in nuisance law.

Judgement:

The Court held in favour of the plaintiff, *ruling that no prescriptive right to commit nuisance can arise unless the activity was actionable as a nuisance throughout the prescription period* – here, it only became a nuisance once the consulting room was built. *It also firmly rejected "coming to the nuisance" as a defence.* This remains a landmark precedent on prescriptive rights and priority of use in nuisance law.