

E. DU CATION 1980 DEPARTMENT.

MS. SERIES.

Murugan
PER

1

G. O. No. 1970. Edn.

DATED. 8. 7. 1980.

(11)

Sub

S. E. No. 473/80 on the file of the District
Munisiff Chingleput. Buildings occupied
by the office of the Dy Inspector of
Schools. Madurantakam. Revenue
of the State of Madras. Sanctioned.

REVENUE DEPARTMENT

Subject:

Suits--Buildings (Chingleput) occupied by the office of Deputy Inspector of Schools at Madurantakam rent not paid to the owner from August 1945 suit filed in the District Munsiff court, Chingleput--defence of suit--requested.

Ref: E. 3937/50--1

Station: Madras

Dated 27-6-1950

47624C

Sri A.F. Mascarenhas,
Secretary, Board of Revenue

Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue

Read: Collector of Chingleput Rc. 9817--50 A7 Dated 16--6--1950 with a copy of letter from the Government Pleader Chingleput 196 dated 5-6-1950 and letter from the Director of Public Instruction, Madras 866--42 dated 8-6-50.

Reference:--

Submitted to the Government.

2. The Board recommends that sanction may be accorded for the defence of the suit in S.C.No. 473/50 on the file of the District Munsiff court, Chingleput and that the draft written statement, which is in order may be approved.

To the Secretary to Government, Revenue Department with a copy of the draft written statement.

Copy of letter Rc. 9817/50 A7 dated 16th June 1950 from the Collector of Chingleput to the Board of Revenue.

Sub: Suits--Buildings occupied by the Office of the Deputy Inspector of Schools at Madurantakam rent not paid to the owner from August '45 suit filed in the District Munsiff Court, Chingleput S.C. 473 of 50 defence of the suit --sanction--requested.
Ref: Letter from the Govt. Pleader, Chingleput, 196 dated 5-6-50 and letter from the Director of Public Instruction, Madras 866-A-2 48 dated 8-6-50.

Sri M.B. Lakshmi Narasimhachariar, Advocate, Chingleput sent a notice of suit under section 80 C.F.O. in the first week of January 1950 threatening to file a suit against Government if the sum of Rs.392/- being the rent due to him for a portion of his building at Madurantakam occupied by the office of the Deputy Inspector of Schools from August '45 was not paid to him. This notice was forwarded at once to the Director of Public Instruction, Madras for necessary action as the collector had nothing to do in the matter.

2. As the amount due to the notice-giver was not paid, he has filed a suit (S.C. 473 of 50) on 27-4-50 in the District Munsiff Court Chingleput, impleading the Collector representing the state of Madras as defendant praying for a decree for Rs.392/- due to him, towards the house rent mentioned in para 1 above with subsequent interest and costs.

3. The Govt. Pleader, Chingleput, who was asked to prepare and send the draft written statement in consultation with the Deputy Inspector of Schools concerned, states that the amount claimed by the plaintiff i.e., Rs.392/- was duly paid to him on 3-6-50 by the Deputy Inspector of Schools and necessary receipt obtained and that the plaintiff would not still withdraw the suit and waive his claim for costs of the suit. The Government Pleader is further of opinion that the plaintiff is not entitled to costs for the reasons set forth in the draft written statement prepared and sent by him. The draft written statement is in order and a copy of it is enclosed. It may be approved. A written statement has necessarily to be filed in court to avoid the court costs. The defence of the suit may therefore be sanctioned at an early date.

4. In his letter dated 8-6-50 the Director of Public Instruction, Madras also states that the plaintiff is not willing to withdraw the suit through the defended and a written statement filed in court after obtaining approved by Government. A copy of the letter is also submitted herewith.

5. Copies of the plaint and a copy of Government pleader's letter dated 15-6-1950 are also enclosed.

6. The summons with a copy of the plaint was received in this office on 18-5-50 and the suit was posted to 15-6-50 for filing the written statement. The Government Pleader has promised to take an adjournment on the date of next hearing. I shall furnish the written statement.

Edn. W.C. in continuing
Rev. W.C. 47267/50
dated 3.7.50
PW
47267/50

19352

Copy of letter Rc.No. 866 A2/48 dated 8-5-50.

From the Director of Public Instruction, Madras to the collector of Chingleput Saidapet.

Sub: Suit--Building--Office of the Deputy Inspector of schools, Madurantakam Range--regarding payment of rent
Ref: Your letter Rd.No. 9817/50 A7 dated 18-5-50.

The arrears of rent due from the office of the Deputy Inspector of Schools, Madurantakam Range from 1-8-45 to 31-3-1950 has been paid on 3-6-50 to Sri M.B. Lakshminarasimhachariar. But, the Deputy Inspector of Schools, reports that the party is not willing to withdraw the suit. I therefore request you to advise the Government Pleader, Chingleput, to prepare the draft written statement Chingleput to prepare the draft written statement in consultation with the Deputy Inspector of Schools, Madurantakam Range and to defend the suit. He may also be requested to get the case posted to a distant date so as to get the Draft Written Statement approved by Government. It is presumed that the approval of Government will be obtained by you.

Copy of letter dated 196 dated 5-6-1950 from the Govt. pleader, Chingleput to the collector of Chingleput Saidapet.

Ref: Rc.No. 9817/50 A7 dated 18-5-50.

Sub: S.C.No. 463 of 1950 Chingleput Dt. Munsiff's Court.

The Deputy Inspector of Schools, Madurantakam met me yesterday (4-6-50) and informed me that the entire amount claimed i.e., Rs.392/- was paid to plaintiff under a receipt dated 3-6-50 in pursuance of the proceedings of the Director of Public Instruction dated 25-4-50. The plaintiff would not withdraw the suit and waive his claim for costs of suit. Hence I have sent through him a draft written statement confirming the same to the non-liability for costs of suits. In case the defence of the suit for costs is decided upon by Government, you may have the written statement signed and sent to me. I am applying for and obtaining adjournment on 15-6-1950 for filing written statement pending your reply he files shown to me by the Deputy Inspector of Schools were taken back by him.

/True Copies/-

In the Court of the District Munsiff of Chingleput. S.C.No. 473 of 1950.

M.B. Lakshmi Narasimhachariar Plaintiff
Versus

State of Madras represented by the Collector of Chingleput Dt. Defendant.

Written statement of the defendant under Order VIII Rule J.C.P.C.

1. The address of the defendant is the same as that given in the plaint and that of the Govt Pleader, Chingleput.
2. The Suit is vexatious and unsustainable in law. The entire amount claimed was paid to plaintiff on 3-6-50, and a stamped receipt was obtained therefor. Thus the claim was satisfied in full, and this defendant is ~~xxx~~ not liable for costs of this suit as the arrears of rent remained unpaid only under the circumstances following:
3. M.B. Raghavachariar, the former of the house in question died in August 1945. Another portion of the same house was occupied by the Health Officer for which for about a year the widow of the said Raghavachariar was receiving rent. When the plaintiff asked for rent for this portion, he was required on 18-9-45 to obtain a certificate from the village munsiff or the Tahsildar to have a verification of his claim. He would not furnish either but wrote on 10-12-45 to say that he was not in a hurry for the rent and it may be paid when he produced the certificate. He defaulted to do so in spite of several reminders from time to time in 1946 and 1947.
4. It was ascertained that the late Raghavachariar had left a son and widow. The son had died leaving widow and a minor son. Thus the possible claimants to rent were (1) the plaintiff (2) widow of Raghavachari and (3) Minor son of Raghavachari (Raghavachari's son). In view of there being several claimants, plaintiff was asked to pass a receipt as manager of his family or to give in indemnity, and plaintiff agreed to furnish an indemnity bond by his letter dated 11-11-1948 but he did not do so in spite of repeated requests to do so. Plaintiff did not agree to pass a receipt as manager of his joint family. Nor would he agree to pass a joint receipt along with the other possible claimants.
5. Under all the circumstances aforesaid, the rent remained unpaid and when notice of suit was given and the matter was being investigated, plaintiff hastened to file this suit. Proceedings directing payment of rent to plaintiff was passed on 25.4.50. and this suit was filed on 27-4-50. This defendant is not liable for costs of plaintiff, but prays that the suit may be dismissed with costs of the

In the court of the District Munsiff, Chingleput, Sc.No. 473 of 1950.

Between:-

M.B. Lakshminarasimhachariar

Plaintiff

and

State of Madras represented by the Collector, Chingleput District.

Plaint under Order VII Rule I, and Act IX of 1887.

1. M.E. Lakshminarasimhachariar, aged 44, adopted son of Srinivasachariar, Brahmin, Vaishnavite, Advocate, Chingleput--Plaintiff.

The address for service is the same as above.

2. State of Madras, represented by the Collector of Chingleput, having his office at Saidpet.

3. The plaintiff is the landlord of the premises No. 22, Chunampet High Road, Madurantakam.

4. The upstairs premises Door No. 22, aforesaid is being occupied by the office of the Deputy Inspector of Schools, Madurantakam at Rs.7-0-0 per mensem.

5. The plaintiff is entitled to receive the rent of the premises as the landlord of the premises. The rent of the premises has not been paid from August 1945. Mr. N.B. Raghavachariar was drawing the rent of the Office of the Deputy Inspector of Schools till he died. M.B. Raghavachari and Srinivasa Achari were undivided brothers. The plaintiff is the natural son of Srinivasa chariari who died long ago. There had been no partition between them and Raghavachariar was the manager of the joint family consisting of himself, his son Ranghachari and the plaintiff. At the time of the death of Raghavachari the surviving male members of the family were the plaintiff and the sons of Ranghachari (who died subsequently). The sons of Ranghachari are minors. The plaintiff is the manager of the joint family. As the plaintiff is the landlord of the premises occupied by the office, he is entitled to receive rent.

6. The plaintiff applied for payment of the rent to him as the manager of joint family but the rent has been withheld on some pretext or other till now.

7. A sum of Rs 392-0-0 is now due to plaintiff from the defendant for the office occupied by the Deputy Inspector of Schools.

8. The plaintiff issued notice of suit dated 5-1-1950 for payment of the rent due. The notice was only acknowledged by the defendant on 9-1-1950 and there has been no reply and the arrears of rent have not been paid till now. Hence the suit.

9. The cause of action for the suit arose on the date of occupation of the premises by the Deputy Inspector of Schools in August 1945, and on all subsequent dates when the rent accrued and fell due and on 10-12-46, 22-4-47, 27-4-47, 7-5-47 and 20-5-47. When the defendants' officers have acknowledged the liability to pay the arrears of rent and subsequently when rent accrued de-die-in-dium at Madurantakam village where the premises is situated within the jurisdiction of this court.

10. The plaintiff values the relief sought for at Rs.392-0-0 and pays a court fee of Rs.30-0-0

11. The plaintiff prays for a decree against the defendant for Rs.392-0-0 with subsequently interest and costs.

Details of valuation.

Rent from 1st August 1945 to 31-3-1950
Court fee thereon

Rs.392-0-0
30-0-0

List of documents.

1. Suit notice copy
2. Acknowledgement receipt of defendant
3. Vakil for plaintiff: I declare that the facts stated above are true to the best of my knowledge, information and belief and signed this verification at Chingleput on 27-4-50.

For ~~Joint~~ Secretary

181
Enclosure to Boards' Ref.
E. 3937/50-1 d. 27. 6. 50

Suits - Buildings (Chingput)
building occupied by the
office of the Dy. ~~Tahsildar~~
Insp. of School at Madurantakam
rent not paid - suit
filed in the Dt. Munsif
Court Chingput -
Defence of Suit.

TO

The Secretary to Govt.

Revenue Dept.

7 (Plaintiff copy) 7
In the Court of the District Munsiff, Chingleput.
S.C.No.473 of 1950.

Between:-

M.B. Lakshminarasimhachariar

Plaintiff

and

State of Madras represented
by the Collector, Chingleput
District.

Defendant.

Plaint under Order VII Rule I, and Act IX of 1937.

1. M.B. Lakshminarasimhachariar, aged 44, adopted son of
Srinivasachariar, Brahmin, Vaishnavite, Advocate, Chingleput-
Plaintiff.

The address for service is the same as above.

2. State of Madras, represented by the Collector of
Chingleput, having his office at Saidapet. Defendant.

3. The plaintiff is the Landlord of the premises No.22,
Channampet High Road, Madurantakam.

4. The upstairs premises Door No.22 aforesaid is being
occupied by the office of the Deputy Inspector of Schools,
Madurantakam, at R.7-0-0 per mensem.

5. The plaintiff is entitled to receive the rent of the
premises as the landlord of the premises. The rent of the
premises has not been paid from August 1945. Mr. M.B. Intri
Raghavachariar, was drawing the rent of the Office of the Deputy
Inspector of Schools till he died. M.B. Raghavachariar and Srinivasa
chariari were undivided brothers. The plaintiff is the natural
son of Srinivasa chariari who died long ago. There had been no
partition between them and Raghavachariar was the manager of the
joint family consisting of himself, his son Rangachari and the
plaintiff. At the time of the death of Raghavachari the surviving
male members of the family were the plaintiff and the sons of
Rangachari (who died subsequently). The sons of Rangachari are
minors. The plaintiff is the manager of the joint family. As the
plaintiff is the landlord of the premises occupied by the Office,
he is entitled to receive rent.

6. The plaintiff applied for payment of the rent to him
as the manager of joint family but the rent has been withheld
on some pretext/other till now. or/

7. A sum of R.392-0-0 is now due to plaintiff from the
defendant for the office occupied by the Deputy Inspector of
Schools.

8. The plaintiff issued notice of suit dated 5-1-50 for
payment of the rent due. The notice was only acknowledged by the
defendant on 9-1-50 and there has been no reply and the arrears
of rent have not been paid till now. Hence the suit.

9. The cause of action for the suit arose on the date of
occupation of the premises by the Deputy Inspector of Schools
in August, 1945, and on all subsequent dates when the rent
accrued and fell due and on 10-12-46, 22-4-47, 27-4-47, 7-5-47
and 20-5-47. When the defendants' officers have acknowledged the
liability to pay the arrears of rent and subsequently when rent
accrued de-die-in-dium at Madurantakam village where the premises
is situate within the jurisdiction of this court.

10. The plaintiff values the relief sought for at Rs.392-0-0 and pays a court fee of Rs.30-0-0.

11. The plaintiff prays for a decree against the defendant for Rs.392-0-0 with subsequent interest and costs.

Details of valuation.

Rent from 1st August 1945 to 31-3-50 at Rs.7/- per mensem.	Rs. 392-0-0
Court fee thereon.	30-0-0.

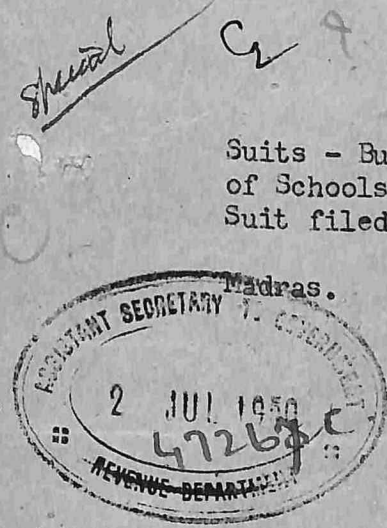
List of documents.

1. Suit notice copy.
2. Acknowledgment receipt of defendant.

Vakil for plaintiff. I declare that the facts stated above are true to the best of my knowledge, information and belief and signed this verification at Chingleput on 27-4-50.

TRUE COPY

8
4650



Revenue Department.
Subject.

Suits - Buildings - (Chingleput) - Occupied by the Office of Deputy Inspector of Schools at Madurantakam rent not paid to the owner from August, 1945 - Suit filed in the District Munsif Court, Chingleput - Defence of suit -

Ref.E.No.3937/50-2. Dated: 30-6-1950.

Sri A. F. Mascarenhas,
Secretary, Board of Revenue.

Sri W. R. S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.



Read:- Board's Ref.E.No.3937/50-1, dated 27-6-1950.
From the Collector of Chingleput, Rec.9817/50 A7, dated 24-6-1950.

To As. Secy. Rev. Dept.
Edn. W.O.
EW
3.7.50
3.7.50

REFERENCE:-

Submitted to the Government in continuation of the Board's reference read above.

2. The Board requests that the orders of the Government may be communicated to the Collector of Chingleput direct and a copy of it may be sent to the Board.

Rs 2-47267
3-2-50

To The Secretary to Government, Revenue Department, Madras.
Copy to the Collector of Chingleput.

rm.30/6.

P.T.O.

for Secretary.

10. The plaintiff values the relief sought for at Rs.392-0-0 and pays a court fee of Rs.30-0-0.

11. The plaintiff prays for a decree against the defendant for Rs.392-0-0 with subsequent interest and costs.

Details of valuation.

Copy of letter Roc.9817/50 A7, dated 24th June, 1950, from the Collector of Chingleput.

Sub:- Suits - Buildings occupied by the office of the Deputy Inspector of Schools at Madurantakam - rent not paid to the owner from August 1945.- Suit filed in the District Munsif Court, Chingleput - S.C.473/50, defence of the suit - Sanction - Requested -

Ref:- Collector's letter to the Board of Revenue, Roc.9817/50 A7, dated 16-6-1950 and letter from the Government Pleader, Chingleput.217/ dated 16-6-1950.

The Government Pleader, Chingleput, states that the suit mentioned above is posted to 3-7-1950 for filing the written statement. I therefore, request the favour of early orders in the matter.

Copy to the Government Pleader, Chingleput for information.

TRUE COPY.

for Secretary.

rm.30/6.

Edn. Dept A

Suit - S.C. no 473/50 on the file of the Dt. Munsiff Court Chingleput - Building occupied by the Office of the Dy. Inspector of Schools, Madurantakam - Defence of the State of Madras - Sanctioned - Written Statement - approved - From the Bd. of Revenue E 3937/50-1 dt 27. 6.50 addressed to Secy. Rev. Dept E 3937/50 2 dt 30. 6.50

Order no 1970 Edn 8/7/50 Ms.

H.E. The Governor of Madras sanctions the defence of the State of Madras in S.C. Suit no 473/50 on the file of the Dt. Munsiff Court, Chingleput, filed by Sri M. B. Lakshmi - Navasimhachariar, Advocate, Chingleput.

2. The Collector Chingleput is requested to arrange for the defence of the Suit.

3. The draft written statement prepared by the Govt Pleader, Chingleput is approved.

MKS
5/7
cua
5.7.50

6.7.50

(precedent file)
11/5/50
18/6/50 Mon p204
25 sept
The Collector
Chingleput
The D. O.
The P. O.
S.E.
61183

note: Legal and Finance may see for acceptance

MKS
5/7
cua
5.7.50

6.7.50

Edn no 1828 dt 15.1
7.7.50



Leg. no. 10350/50-1
7-7-50.

Seen in legal
18
7.7

Legal / Fin.
Legal Dept

7/12

A

Fin (Pen)

The draft order overleaf may be accepted & the case returned to Edm

17.50

For
8/7/50 Edm

Fin No. 61183 Pen.
8-7-50

18898

Issue

by
8/9/50

35144



Revenue Department
Subject.

A ①

SUITS - District Munsiff Court - Chingleput - S.C. 473 of 50 - Building occupied by the Deputy Inspector of Schools - Madurantakam - Result of the suit - Report - Submitted.

Ref.No. A.5045/50-1

Dt. 7-11-1950.

Sri A. R. Mascarenhas, I.A.S., Secretary, Board of Revenue, Madras.
Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

13im/pa

Read:- From the Collector of Chingleput Roc.No. 9817-50-A7 dt.11-10-50

Reference:

Submitted to the Government.

W/11

2/- The Board submits that G.O. No.Mis. 1920 Education dated 8-7-50 has not been received and it requests that it may be furnished with a copy.

For Secretary.

To the Secretary to Government, Education Department, Madras.

ym. 7/11/p.

Rec.

Copy of Chingleput Collector's letter No. 9817-50-A7 dt. 11.10.50 to the Secretary to Government, Education Department, through the Secretary to Board of Revenue, Land Revenue, Madras.

Sub: Suit - D.M.C-Chingleput S.C. 473 of '50 - Building occupied by the office of the Deputy Inspector of Schools- Madurantakam defence of the state of Madras sanctioned-result of the suit report-submitted.

Ref: G.O.No.Ms. 1920 Education Department dated 8-7-50 and letter from the Government Pleader, Chingleput 356 dated 30-9-50.

The suit mentioned above was dismissed on 14-8-50 with costs of the plaintiff, i.e. Rs.52/- copies of the judgement and decree received from the Government Pleader, Chingleput, are submitted herewith.

2/- In his letter 310 dated 20-8-50 the Government Pleader Chingleput has stated that no appeal lies in this case and that the only way of questioning the decree for costs is by filing a revision petition in the High Court. He has further stated that there is no use filing a revision petition as the chance of having the decree reversed are very remote since the Revisional Jurisdiction will be exercised only in cases where the judgement sought to be reversed is against law. A copy of the Government Pleader's letter is enclosed. If deemed fit, the opinion of the Government pleader, Madras, may be obtained and further action taken if necessary.

Copy of the letter No.L. 300 from the Government Pleader, Chingleput Dt. to the Collector of Chingleput & Saidapet, dated 20-8-50.

Ref. 9817.50-A7 Sc.No. 473 of 1950 Chingleput-District Munsiff's Court.

The case was heard on 31.7.1950 and judgement was pronounced decreeing costs against the defendant (Government). The contest related only to costs claimed by plaintiff, as the district Educational Officer had paid the amount claimed after the institution of the suit.

I have applied for a copy of the decree and judgement. No appeal lies against the decree in a small cause suit. The only way of questioning the decree for costs is by filing a Revision petition in the High Court. I do not think there is any use filing a revision petition as the chances of having the decree reversed are very remote since the Revisional Jurisdiction will be exercised only in cases when the judgement sought to be reversed is against law. However I shall send you the copy of the decree and judgement as soon as they are received.

I request you to have a fee of Rs.20/- sanctioned in this matter for having contested the suit.

/true copy/

yrm.7/11/p.

For Secretary.

4

6

2

REVENUE DEPARTMENT.

Subject:

SUITS -(Chingleput) S.C.473/50 on the file of the District Munsif's Court Chingleput - payment of rent for the building of the Deputy Inspector of Schools, Madurantakam - adverse decision - filing of revision report submitted.

Routine No.7456

Station: Madras.

Dated 2nd December 1950



Mr A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue.

Mr W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Government Memo Education Department No.35144-1/50 Education dt.20-11-50

RESOLUTION:

In his judgment the Principal Judge observes that the suit was necessitated by the conduct of the defendants in insisting on illegal conditions for payment of rent. The Board therefore agrees with the Collector of Chingleput and the Government Pleader, Chingleput that the question of costs need not be taken up to the High Court. The Director of Public Instruction who is concerned in the matter may be consulted if necessary.

/True extract/

To The Secretary to Government, Education Department.

PLG/2/12.

for SECRETARY.

8/

05814
10/12/50

0101/11/50

To the D.P. J.
(with copy of pl-327-c-f)
"Bd. of Rev.
"H. G. thro. Jm.

10

Edn. (A)

Memo. No. 35144-3/50 A Edn. dated 30-12-50.
Sub: Buildings - Office of the ^{Deputy} Insp. of Schools,
Madurantakam - Payment of costs in Suit No. S.C. 473/5
on the file of the M. Munsiff, ~~Chingleput~~, Chingleput.
~~Re~~ Read: G.O. No. 1970 Edn. d. 8-7-50.
from the Bd. of Rev. No. A-5045/50-1 d. 7-11-50 and
Routine No. 7456 d. 2-12-50.

(W)
pl. 327-c-f
pl. 327-c-f

(together) Copies of the references
cited ^{with copies of} ~~are~~ the enclosures thereto, are
forwarded to the D.P. J. and he is informed
that the Jot. agree with the Cdr. of Chingleput
and the Bd. of Rev. that the question of costs
need not be taken up to the High Court. The
Director is accordingly requested to ~~take necessary~~
~~action~~ the payment of costs to the plaintiff.

12-12-50
14.12.50

16/12/50

P.T.C

Note: Fin. and Legal
may see before issue of draft.

12.12.50.
C. M.
14.12.50

DM
16/12/50

200
Legal

Edn. u. o. 35144-2/50A
dated 18-12-50



to Legal May be perused and passed
Fin (Pen)

21.12.50
MS
21.12.50

21.12.50

Legal

Legal Dept

Seen in Legal

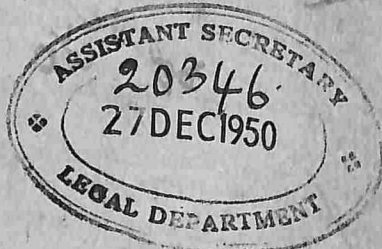
DM
27/12/50

28.12.50
DM
29/12/50



Fin. u. o. 103064 pen-1
2.12.50

0
DS



Legal no 20346/
28.12