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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1087 Press / Mis.

226-227.

Dated 31-7- 1873.

226-227 11/11

Not to be folded or roughly handled

No. 226. Read the following Proceedings of the Board of Revenue, dated 22nd July 1873, No. 1362 :—

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 10th July 1873, No. 140 :—

I HAVE the honour to inform the Board of Revenue that a suit has been brought against me as President of the Municipal Commission of Errode, on the following grounds—

1 Copy of letter from Mr. Macgregor.
1 Copy of proposed Motion.
1 Copy of proposed Answer.
1 Copy of Plaint.

2. That the Commissioners erected a latrine on certain Gramanattam land which certain pot-makers allege they have a right to.

3. I propose to move the Court at Errode to direct that the suit be made against the Revenue Authorities, either the Deputy-Collector, Southern division, of myself, as Collector, as it was in the capacity of Deputy-Collector, that Mr. Macgregor disposed of the land, the Municipal Commissioners not having any right of disposal of waste.

4. I enclose a letter* from Mr. Macgregor on the subject, and request the instructions of the Board as to my proposal.

* No. 32 of 5th July 1873.

5. The suit comes on for hearing on the 31st instant. Copies of the plaint and proposed answers are also submitted.

6. I would refer the Board to Extract Minutes of Consultation, No. 200 or 24th February 1849, and previous correspondence in regard to an almost similar claim on the part of certain Ooppilliars (Saltpetre manufacturers) to building sites in the old Fort at Coimbatore. Both the Board and Government in this case approved of the defence of the suit at the public expense; but it was afterwards withdrawn by the plaintiffs.

ENCLOSURE No. 1.

From A. MACGREGOR, Esq., Vice-President, Errode Municipal Commission, to A. WEDDERBURN, Esq., President, Errode Municipal Commission, Coimbatore, dated, 5th July 1873, No. 32.

IN reply to your Memorandum No. 26, dated 27th ultimo, enclosing the plaint in the suit filed by certain pot-makers against the Municipal Commissioners, I have the honour to bring to your notice, that the suit ought to be brought against me as Deputy-Collector for giving the land to the Municipal Commissioners, as they have not power to dispose of such lands.

2. Plaintiffs have been allowed to squat on this land as it was not required, but being now required for public purposes, it has been resumed and two latrines have been erected thereon. The pot-makers were ordered to desist from making pots on this spot by me as Magistrate, as it is in the heart of the town, and it was therefore dangerous and a nuisance.

3. When I gave this land to the Municipality I told the plaintiffs that if they would select a piece of waste ground where their trade would be unobjectionable, I would give it them. This was not offered as an exchange, but merely to prevent their suffering loss from their trade being stopped. They declined to do so, and requested that equally objectionable land should be purchased for them, which of course we declined to do. The land is poramboke (Oorkuttu) and as such, was liable at any time to be taken for public purposes, and plaintiffs have no right to the land, for they were merely allowed the use of it till it was required.

4. Public buildings having now been erected thereon, it is submitted that it would be inadvisable to destroy them, as it would cause considerable waste of public money.

5. The estimated price of the land is now more than double its value.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

PROPOSED Motion to the Munsif's Court at Errode.

That the act complained of was that of the Revenue authorities, who allotted the land in question for a municipal purpose, and that consequently the suit should be against the Deputy Collector, Mr. A. M. MacGregor.

2. That, as regards the Municipal Commissioners, the act complained of was a laudable one, intended to conserve the health of the community.

3. The President, therefore, prays the Court to remove his name as defendant and to substitute the name of A. M. MacGregor, Esq., Deputy Collector.

COIMBATORE,
10*th July* 1873. (Signed) A. WEDDERBURN,
Collector.

COPY of the proposed Answer to the Plaint on behalf of A. M. MacGregor, Esq., Deputy Collector, if suit be transferred from President's name to his as Defendant.

1. That the defendant acted lawfully in assigning village site for sanitary purposes.

2. That the plaintiffs have no right or title to the land in question.

3. That they were removed from it as their trade was a nuisance in that locality.

4. That village-site is intended for the general good and is not acquired by individuals by merely undisturbed possession.

COIMBATORE,
10*th July* 1873. (Signed) A. WEDDERBURN,
Collector.

TRANSLATION of Plaint filed by Lutchumi Narasyer and Ramasastry, Vakeels, in behalf of Mosavan Chetty and four others, in the District Munsif's Court of Errode, dated 31st March 1873, against the President of the Errode Municipal Commission.

Plaintiffs.

1. Mosavan Chetty, aged 60 years, son of Settayannan; caste and profession, pot-maker; residing at Errode, Perindoray Taluq.

2. Cooppamoottoo Chetty, aged about 45 years, son of Palani Chetty; caste and profession, pot-maker; residing at Errode, Perindoray Taluq.

3. Palani Chetty, aged about 35 years, son of Ponnappan; caste and profession, pot-maker; residing at Errode, Perindoray Taluq.

4. Comaran Chetty, aged about 40 years, son of Nunjappa Chetty; caste and profession, pot-maker; residing at Errode, Perindoray Taluq.

5. Coonnoodayan Chetty, aged about 50 years, son of Ponnappa Chetty; caste and profession, pot-maker; residing at Errode, Perindoray Taluq.

Defendant.

The President of the Errode Municipal Commission.

We, Lutchumi Narasyer and Ramasastry, Vakeels, in behalf of plaintiffs, respectfully complain against the defendant—

Proceedings of the Madras Government, Financial Department,
31*st July* 1873.

1. That plaintiffs have hered itary right to the under-mentioned land.

2. That the said land was in continued enjoyment of the plaintiffs' ancestors, and, after them, in that of the plaintiffs, till 9th February 1873.

3. That on the 10th February 1873 the defendant unjustly entered on the said land, against the rights of the plaintiffs, and commenced constructing a latrine thereon.

4. That though, under Section 168 of Act III. of 1871, notice was given to the defendant on the 26th February 1873 regarding the plaintiffs' right to the land, yet he has not given over the land to the plaintiffs, and, with intent to entail loss on the plaintiffs, has, notwithstanding the notice, built a latrine.

5. We, therefore, pray that orders may be passed confirming the plaintiffs' right to the land; that they may be put in possession of the same; that the defendant may remove the building erected by him; and that plaintiffs' costs may be awarded to them.

Description of Property.

The vacant land measuring 64 cubits north to south, and 58 cubits east to west, valued at Rupees 400, and situated east of the public road (leading from north to south), west of the plaintiffs' houses, north of the public road (leading from east to west), and south of Soobbanaiken's house.

(Signed) MOSAVAN CHETTY.
Mark of COOPPAMOOTTOO CHETTY.
,, PALANI CHETTY.
,, COMARAN CHETTY.
,, COONNOODAYAN CHETTY.
(Signed) C. A. LUTCHUMI NARASYER.
31*st March* 1873. (,,) RAMASASTRY,
Vakeels.

We, (1) Mosavan Chetty, (2) Cooppamoottoo Chetty, (3) Palani Chetty, (4) Comaran Chetty, and (5) Coonnoodayan Chetty, the plaintiffs named in the above plaint, do declare that what is stated therein is true to the best of our information and belief.

(Signed) MOSAVAN CHETTY,
and four others.
Filed on 5th April 1873. (,,) VYTHESWARA IYER,
District Munsif.

(True Translation.)

(Signed) A. WEDDERBURN,
Collector.

As the suit is for the restoration of land now in the possession of the Municipality and for the removal of Municipal buildings erected thereon the Board are of opinion that it is properly laid against the President of the Municipal Commission and that the Court cannot entertain the proposal to "*substitute*" as defendant the Deputy-Collector for the President.

2. This letter will be submitted for the orders of Government in the Public Department.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

Proceedings of the Madras Government, Financial Department,
31st July 1873.

No. 227. ORDER THEREON, 31st July 1873, No. 1080.

The proper course appears to be for the Municipal Commissioners to plead that the act complained of was in the first instance that of the Revenue authorities, who placed them in possession, and that if that act was wrongous the plaintiffs have their remedy against the Revenue Officers.

2. If the Court directs the substitution of the Revenue authorities as defendants the proposed answer can be put in.

(True Extract.)

Chief Secretary.

To the Board of Revenue.
President of the Municipal Commission, Errode.

Erd. A. S. Rodgers.

Translation of Plaint filed by Lutchmee Narasyer and Ramasastry, Vakeels in behalf of Mosanauchetty and 4 others, in the District Munsiffs Court of Errode, dated 31st March 1873, against the President of the Errode Municipal Commission--

Plaintiffs--

1. Mosanauchetty, aged 60-years, son of Sellayannan, caste & profession Pot-maker, residing at Errode, Perindorai Telug.

2 Cooppamoottoo chetty, aged about 45 years, son of Palani chetty--Dr--

3- Palani chetty aged about 35 years son of Ponnappan--------Dr--

4- Comaran chetty, aged about 40 years, son of Nunjappa chetty--Dr--&

5- Coonnoodayan chetty, aged about 50 years, son of Ponnappa chetty--Dr--

Govt. of {1873} Madras.

FINANCIAL.

To

The BOARD of REVENUE,
&c., &c., &c.

Dated July, 31st

Read

G. O., 31st July 1873, No. 1080.

JULY.
Nos. 226-227.

Coimbatore Municipality.—The Commissioners instituted advised with reference to the case instituted against them by certain pot-makers, to plead that the act complained of was in the first instance of the Revenue authorities, and the answer proposed to be put approved if the Court directs the substitution of the Revenue authorities as defendants.

Defendant.

President of the Ennore Municipal Commission.

M. Lutchumiparasayen — and Ramassamy, Takeels in behalf of Plaintiffs, respectfully complain against the Defendant.,

1. That Plaintiffs have hereditary right to the under-mentioned land.

2 That the said land was in continued enjoyment of the Plaintiffs' ancestors, and after them, in that of the Plaintiffs till 9th February 1873.

3- That on the 10th February 1873, the Defendant injustly entered on the said land, against the rights of the Plaintiffs, and commenced constructing a Latrine thereon.

4- That though under Section 168 of Act III of 1871, Notice was given to the Defendant, on the 26th February 1873, regarding the Plaintiffs right to the land, yet he has not given over the land to the Plaintiffs; and with intent to entail loss on the Plaintiffs, has, notwithstanding the Notice, built a Latrine.

We therefore pray that orders may be passed confirming the Plaintiffs' right to the land; that they may be put in possession of the same; that the Defendant may remove the building erected