M.R.O. 1—30,000—16-10-17.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 180	Press ~~Mis.~~
17-18	
Dated 6 - 2 - ~~19~~ 1858	

Not to be folded or roughly handled

No. 17. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudr Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 20th January 1858, No. 5.

SIR,

1. In reference to Extract from the Minutes of Consultation under date the 9th Instant, received yesterday, I am directed by the Judges of the Sudr Udalut to state that, in their opinion, the design of Section XXXI, Regulation VII of 1809, was simply to provide for the Government being *apprized* of all Decrees of Court affecting the public interests, in order that legal measures might be taken to uphold the rights of the public.

2. It appears to the Judges that in all suits to which the Government may be a party, they have to adopt the *same means* of defending or enforcing their rights as are open to *parties* to actions *generally*, the Legislature having made no distinction in this respect between cases wherein the Government are a party, and those in which all the litigants are private individuals.

3. In the absence of more information than appears on the face of the Civil Judge's Decree, the Judges are not prepared to say that any irregularity or contravention of their orders has taken place; and they would suggest that, if the Government apprehend such to have been the case, their *Pleader* be instructed to bring the matter in due course and form before the Court.

(Signed) C. F. CHAMIER,
Acting Register.

No. 18. ORDER THEREON, No. 180; dated 6th February 1858.

1. In Extract Minutes Consultation 9th January last, No. 40, Government called attention to an irregularity on the part of the Principal Sudder Ameen of Tellicherry, in having, in contravention of Circular Order Sudder Udalut, No. 115 c, tried a suit in which a European Officer of Government was concerned. In reference to this the Court of Sudder Udalut remark, in the letter above recorded, after noticing the design of Section XXI, Regulation VII of 1809, and the absence of all distinction between Government and private individuals as parties to a suit, that in the absence of more information than appears on the face of the Civil Judge's Decree, they are not prepared to say that any irregularity or contravention of their orders had taken place. They suggest that if Government apprehend such to have been the case, their Pleader be instructed to bring the matter in due course and form before the Court.

2. The Right Honorable the Governor in Council must observe, that the Court of Sudder Udalut are altogether under a misapprehension as to the purport of the communication made to them by Government in Extract Minutes Consultation of the 9th Instant.

3. The claim of the Plaintiff in the suit in question had been rejected; and the Government had consequently no relief to seek at the hands of the Sudder nor any cause for moving the Court through their Pleader.

4. All that was desired by Government was to direct the attention of the Judges to what appeared to have been an infringement, by the Principal Sudder Ameen of Tellicherry, of a Circular Order of their Court, which, in conformity with Section VIII, Regulation VII of 1827, declared that no decision passed by a European Officer of Government could be discussed or called in question by a Principal Sudder Ameen. The error having been brought to the notice of the Court, it rested with the Sudder to deal with it as they pleased.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Referred on to
Lord Ironhead's
opinion.

L.
16

In D? to Govt 9th July
Judicial 1850 Depart
No

From the Acting Register
of the Sudr Adalut
to the Chief Secretary
to Government

Dated 26th
Rec'd 21st January 1850

No 118. No 5.

Stating that the Judges
of the S.A. are not prepared
to say that any irregularity
or contravention of their order
has taken place in the matter
referred to in the Ex. from the
Mins. of Con. dated 8th instant
and suggesting that if Govt
apprehends such to have
been the case their pleader be
instructed to bring the matter
in due course and form before
them.

To

Ord 12th January 1844

The Khoodkasht
not to be produced
when under
under a very urgent
necessity
of the Jumpoot of the Govt
to summon him to
them -
The Govt to put out at
their hands either
Madras - the Petitioner
had been rejected -
The desire of Govt to
be attended to -
that as pleased to have
the accounting
of the Estate of
Court - which to be taken
Publicity - to be
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Judicial Department.

No. 180

Extract from the Minutes of Consultation

Dated 6th February 1858.

Read the following Letter from the
Acting Registr. of the Sudder Adawlut.

(Here enter 20th January 1858 No 5)

1. Ld Ech Mins. Cons. 9th Augt.
last No 40, Govt. called attention to
an irregularity on the part of the
Principal Sudder Ameen of Tillecha
in having, in contravention of C. C.
S. Ld. No 1150, tried a suit in which
a European officer of Govt. was
concerned. In reference to this
the Court of Sudder Adawlut remark
in the letter above recorded, after
noticing the design of Sec. XXI Reg.
VII of 1809 and the absence of all de
-tinction between Govt. and private
individuals

individuals as parties to a suit, - that in the absence of more information than appears on the face of the Civil Judge's decree, they are not prepared to say that any irregularity or contravention of their orders had taken place. They suggest that if such apprehension should have been the case, their Pleader be instructed to bring the matter in due course and form before the Court.

2. The Right Honble the Governor in Council must observe, that the Court of Sudder Adawlut are acting under a misapprehension as to the purport of the communication made to them by Govt. in P. Dy. L. of the 9th inst.

3d The claim of the Plaintiff in the suit in question had been rejected; and the Govt. had consequently no relief to seek at the hands of the Sudder nor any cause for missing the Court thro' their Pleader.

3. All that was desired by Govt. was to direct the attention of the Judges to what appeared to have been an infringement by the Principal Sudder Ameen of Tillacherry of a circular Order of this Court, which, in conformity with Reg. VII of 1827, declared that no decision passed by a European Judge of Govt. could be discussed or called in question by a Principal Sudder Ameen. The error having been brought to the notice of the Court it rested with the Sudder to deal with it as they pleased

Copy to Court of S. Adawlut. Dispd 9th

Judicial 1852 Department

No. 180.

Extract Mins. Cons.

Dated 6 February 1858

17—18

Medral:—Printed at the Government Press.