

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1893	Press
		~~His.~~
149-150		
Dated	21. 11. 1862	~~17~~

Not to be folded or roughly handled

8/6

17/11/62

Proceedings of the Madras Government, Judicial Department,
21st November 1862.

No. 149. Read the following.

TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL, FORT SAINT GEORGE.

The humble Petition of appeal of SREE RAJAH
VYREECHARLA SOORIA NARRAINA
RAUZE BAHADUR, Hill Zemindar of Coor-
roopam, in the District of Vizagapatam,
Defendant in Summary Case No. 6 of 1860,
before the Governor's Agent at Vizagapatam.

SHREWETH,

1. That dissatisfied with the first decision of the Agent in the above Summary Case passed on the 4th April 1860, and likewise with his second decision on review passed on the 2nd April 1862, your Petitioner appeals therefrom under No. XXXI of the Revised Agency Rules.

2. The complainants in the above case, namely, Arya Somayazooloo Vencatacharuloo and others, are Agraharumdars of Kroostna Royapoorum, under the Zemindary of Vizianagrum.

3. They complained that the villagers of Vullaree Goodulea in the Kooroopam Zemindary, prevented water running as usual from the Gungasangaram tank, in the Kooroopam Zemindary, to the Vencatasagarum tank belonging to the Kroostna Royapoorum Agraharum.

4. The Agent referred this complaint for investigation and report to the Heads of Police of Marringhy and Paulcondah.

5. The Head of Police of Marringhy held an examination and reported in favor of the complainants.

Vide enclosure A.

Do.

6. The Head of Police of Paulcondah likewise held an examination and reported in favor of your Petitioner.

Do.

7. The Agent on the 4th April 1860, concurred in opinion with the Head of Police of Paulcondah and passed a decision in accordance therewith, providing however for the erection by the complainants of a mud bank near your Petitioner's tank as mentioned by the Head of Police of Marringhy.

8. Dissatisfied with this portion of the decision, your Petitioner applied for review of judgment.

9. Your Petitioner is informed that on the 10th January 1862, judgment was passed without reservation in his favor, on the ground that the channel in dispute was not entered in the District Map. Yet, nevertheless, on the 2nd April 1862, the Agent passed a decision unreservedly in favor of the complainants, and referred your Petitioner to a regular suit, thus upholding the report of the Head of Police of Marringhy.

Vide enclosure B.

Vide enclosures C, D.

10. In the said decision of the 2nd April 1862, the Agent has misunderstood in toto the letter of your Petitioner's guardian, and the letter addressed to her by the Villagers, which do not in any way, your Petitioner submits, recognize the right claimed by the complainants.

11. Your Petitioner is therefore constrained to appeal on the following grounds:—

1st. Because the decisions are conflicting.

2nd. Because the Agent ought not on an application for a review, seeking the rectification of an error in the original judgment, to have reversed the said judgment entirely to the prejudice of the party applying for the review.

3rd. Because the Agent had not jurisdiction to entertain the complaint.

First.—Because Regulation XII of 1816 does not apply, inasmuch as that enactment refers only to disputes between proprietors or renters and their ryots. The complainants not being your Petitioner's "renters or ryots," the dispute is not between "proprietor and ryot" and therefore does not fall within the provisions of Regulation XII of 1816.

*Proceedings of the Madras Government, Judicial Department,
21st November 1862.*

Secondly.—Because Regulation V of 1822 does not apply, inasmuch as Section XVIII extends Regulation XII of 1816 only to disputes "between ryot and ryot."

Thirdly.—Because no enactment gives a Revenue Officer judicial power to decide cases of irrigation between proprietor and proprietor, in which position the parties stand; or between proprietor and ryot holding independently of the proprietor, and not as his lessee.

4th. Because even if the Agent had jurisdiction, the provisions of Regulation XII of 1816 only authorize the reference of the complaint to a Panchayet on the consent of the parties (Cl. 6 and 7, Sec. V), and where the consent is not given, the only remedy is a regular suit (Cl. 8, Sec. V), consequently the Agent's proceedings deciding the case without reference to a Panchayet, are irregular and illegal.

5th. Because the decision is based on the reports of Native subordinates, and it has been decided that in all judicial matters, Revenue Officers are bound to investigate themselves, and cannot base their judgments on the reports of Native subordinates. Decree of Sudder Court on S. A., No. 88 of 1853, dated 6th October 1853, page 225.

6th. Because the 2nd decision is invalid; for even if the Agent can be supposed to have acted under Regulation V of 1822, he has no power to review his judgment. Letter of Sudder Court to Government, dated 31st March 1831, Circular Order Board of Revenue I, 157.

12. The proceedings of the Agent being for the above reasons totally illegal and irregular, your Petitioner prays that they may be cancelled, and that your Excellency in Council will be pleased to replace your Petitioner in the position he occupied previous to the date of the original complaint.

13. Your Petitioner further prays that he may be heard through Counsel.
For which as in duty bound.

For Petitioner,
(Signed) W. SLOAN,
Pleader of the High Court
of Judicature at Madras.

MADRAS,
27th October 1862.

No. 150. ORDER THEREON, 21st November 1862, No. 1,893.
Under Rule XXXI of the Rules for the guidance of the Governor's Agents in Ganjam and Vizagapatam, His Excellency the Governor in Council resolves to refer this Petition to the Chief Justice and Judges of the High Court of Judicature to be disposed of in such manner as they may deem proper.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Ed. T. McMeety.

To

J. Pycroft Esquire

*Chief Secretary
to Government.
Fort Saint George*

Sir,

*I beg to submit herewith under cover
of XXXI of the Revised Agency Rules, an appeal
on behalf of Rajah Vyrucharlu Soolia Narraiah
Ranga Bahadur, Hill of command of Gootapattinam,
his Excellency the Right Honorable the Governor
in Council, against the Decision of the Governor
Agent at Vizagapatam, and to request you will
be pleased to lay the same before His Excellency
in Council.*

*I am Sir, very respectfully,
Your most Obedient Servant*

*W. Sloan
Pleader of the High Court
of Judicature at Madras
27th October 1862*

*W. Sloan
Pleader of the High Court
of Judicature at Madras*

Petition Sept. 4³

Proceedings of the Madras Govt.

Read Petition from
Sree Rajah Tyrecher-
la Narain Rauze
Bahadur, Zemindar
of Coorpaum

Enter 27 Oct. '62.

Order

Ordered that this Peti-
tion be returned under
Rule 7 of the Revised
Petition Rules.

Sheweth
The Govt. received the
only under Rule 22 of the
Agency Rules.
Petition from the
Rule 7 of the Agency
Rules, because the Petition
is not a Petition. Petition Rules is applicable.

I don't see that
this falls under
Rule XXII - It
seems rather to fall
under Rule XXI.
and it matters
to the Petition Rules is applicable.

Endorsement

To Sree Rajah Tyrecherla Narain Rauze.
Bahadur, Zemindar of Coorpaum - With kindest
enclosures returned - signed by the
Secretary to the Government.

G.O. No 1893

At 3 23 Oct 1882
6 m.

W. 2196

At 1882 Sept 14
At 1893
at Madras
at Madras

At 1882 Sept 14
At 1893
at Madras
at Madras

In view of the fact that the petition is not yet decided by the Government, the petition is not yet decided by the Government.

1498-1500

Proceedings of the Government, No. 1893.

1862. Department.

Dated 21st Nov 1862.

Proceedings of the Government, No. 1893.

1862. Department.

Dated 21st Nov 1862.

Proceedings of the Government, No. 1893.

1862. Department.

Dated 21st Nov 1862.

Proceedings of the Government, No. 1893.

1862. Department.

Dated 21st Nov 1862.

Judicial Department.

SD

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Petition from
Sri Raja Vyrachara
Soria Varraina Ravi
Bahadur, Nili Remindar
of Cooropam.

Here enter 27. Oct 1862/
Order thereon. No. 1893 Dated 21st Nov 1862

Under Rule XXXI of
the Rules for the
guidance of the Governor's
Agents in Bangalore and
Viragapatam, His Excellency
the Governor in Council resolved
to refer this Petition to the Chief
Justice and Judges of the High
Court of Judicature to be dis-
posed of in such manner
as they may deem proper.

To the Chief Justice & Judges of the
High Court.

Mr. H. Stow. with his papers
to document, and returned.
Vakalutnamah ret. 22nd

13 M 10.

186 . Department.

No.

PROCEEDINGS OF GOVERNMENT.

Dated