M.R. O. 1—32,000—15-10-22.

# MADRAS RECORD OFFICE.

---

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1596 Press ~~His.~~

34-35

Dated 5-10-1863 ~~19~~.

3/4

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, 5th October* 1863.

No. 34. Read the following Petition from Mr. W. SLOAN, for Petitioner SREE RAJAH VYRECHERLA SOORIA NARRAINA RAJAH BAHADUR, Zemindar of Cooroopaum; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated 12th September 1863.

I beg to enclose a petition addressed by Sree Rajah Vyrecherla Sooria Narraina Rajah Bahadur, Zemindar of Cooroopaum, under No. XXXI of the Revised Agency Rules, and to request you will be pleased to lay the same before His Excellency the Governor in Council.

---

To THE RIGHT HONORABLE SIR WILLIAM DENISON, K.C.B.,
*Governor in Council, Fort Saint George.*

The humble Petition of SREE RAJAH VYRECHERLA SOORIA NARRAINA RAJAH BAHADUR, Zemindar of Cooroopaum in the District of Vizagapatam.

SHEWETH,

1. That your petitioner's family being Zemindars, have from generations back, enjoyed all the Insignia and honors usually enjoyed by Zemindars among the Hill Tracts of the Vizagapatam District, and that, among such honors is included the privilege of using the Dunkah or kettledrum on State and other occasions.

2. That having business to transact with Lieutenant Gordon, Superintendent of Police, your petitioner proceeded in April last to Sitanagram, the residence of that gentleman, situated in the Zemindary of Bobbily, and in so doing, travelled on the high road, in his usual manner, without any intention to give offence to any individual or class of individuals.

3. That the guardian of the Bobbily Zemindar assembled a large body of men for the purpose of attacking your petitioner and his people, during their peaceable progress on the high road, but were prevented from carrying their design into effect by the precautions adopted by Lieutenant Gordon.

4. That the enclosure A (proceedings of the Governor's Agent at Vizagapatam, dated 21st May 1863), will apprize your Excellency of the circumstances attending the attack meditated, and that, while your petitioner's conduct was blameless, the conduct of the guardian of the Bobbily Zemindar was deemed so culpable as to justify the imposition upon him of a fine of 1,000 Rupees.

5. That on the 22nd May 1863, the Agent addressed to your petitioner an order (enclosure B) prohibiting him under Section 62 of the Criminal Procedure Code, from using the Dunkah or kettledrum in the Bobbily Zemindary and other places.

6. That your petitioner remonstrated without avail, against this infringement of his privileges and his rights as an individual. Vide enclosure C, D.

7. That your petitioner is therefore constrained to address your Excellency in Council, and would respectfully submit that the Agent has formed a wrong conception of the intent of Section 62 of the Criminal Procedure Code, and of the extent of his power thereunder.

8. Your petitioner submits that that provision of the law does not confer on the Agent power to abrogate or forbid the exercise of any rights or privileges enjoyed by prescription, grant, or natural law, by any individual; and that at the utmost it simply empowers him to interfere temporarily on urgent occasions, when the exercise of any particular act may render a breach of the peace imminent.

9. Further, that it does not empower him to deprive any individual of the right of peaceable passage on Her Majesty's high road.

10. That the Madras Government in the Tinnevelly case which occurred some years ago, recognized this construction placed on the provision aforesaid, by placing a similar construction on the previously existing corresponding provision of the law, whereby it was held that no individual or class of individuals has a right to interfere with a peaceable procession on the high road.

11. That Mr. Reade, formerly Agent of Vizagapatam, acted upon a similar construction when the people of Vizianagram attempted to oppose the progress in State of the Bobbily Zemindar through that town, and therefore of all persons in the Vizagapatam District, the Bobbily Zemindar and his people, should be the last to raise similar opposition, seeing they themselves claimed and had conceded to them the privilege of peaceable passage claimed by your petitioner.

12. Your petitioner believes that the proceedings of Mr. Reade received the approbation of Lord Harris' Government, and he would observe that on neither of the occasions cited did the Madras Government say to the claimants of the rights, "we acknowledge your right, and that you have exercised it in a peaceable spirit; we also admit that the opposition of your opponents is perfectly inexcusable; but nevertheless we will not permit you to exercise your right, because *we fear* that individuals who do not respect our *authority* or the mandates of the law, will set our commands at defiance, and create a disturbance." On the contrary the Government said, "we will uphold the peaceable exercise of the rights of our subjects, and if evil-disposed persons interfere with the enjoyment of their rights, we will enforce our authority and compel obedience to the laws."

13. This was in effect the rule laid down, and this rule had the effect of repressing for a time the arrogance of inflated individuals, who sought to interfere with their neighbours. The Agent's Order B is, your petitioner submits, a violation of this rule. It forbids the exercise of a right and tends to encourage a spirit of disturbance among the evil-disposed; and instead of upholding the injured and innocent party, it commands him to waive a privilege lest offence be given to the transgressor. As such your petitioner respectfully submits the order B is neither in accordance with the law, nor with sound policy, nor with the respect which the Government and its servants owe to themselves.

14. Your petitioner further submits that the order in question is an interference with one of the usages of the country; that if upheld, it will affect not only himself but also all Zemindars in Vizagapatam as well as other Districts, and that it essentially relates to a public question of importance in the estimation of those who will be affected by the decision; and as your petitioner, the first individual affected, feels degraded by the order not only in his own eyes, but in the eyes of his brother Zemindars, he humbly solicits, under No. XXXI of the Revised Agency Rules, the intervention of your Excellency in Council.

For which as in duty bound he shall ever pray.

(Signed) W. SLOAN,
*Vakeel, High Court.*

*12th September* 1863.

---

No. 35. ORDER THEREON, 5th October 1863, No. 1,596.

The Governor in Council sees no reason to interfere with the orders passed by the Agent in the matter referred to in the foregoing petition.

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

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Petition from Sree Rajah Vyrecherla Sooria Narayana Rajah Bahadur, Zemindar of Cooroopanum.

Here enter 12th September 1863.

Order thereon 5th October 1863 No. 1596

"The Governor in Council sees no reason to interfere with the orders passed by the Agent in the matter referred to in the foregoing Petition."

To the Agent to the Govr of T. d. &c. in Vizagm
Petitioner with endorsement returned } Dupd.

Judicial 1863. Department.

No. 1596

PROCEEDINGS OF GOVERNMENT.

Dated 5th October 1863.

34735

1211