Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2164

Dated 24th Oct: 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Declining to accede to the requests of Arunagiri Mudali and certain other ryots of Kallakurchi taluk, South Arcot District, to appoint the village Munsif of Emappur as President of the Kallakurchi Bench Magistrate's Court and to extend the jurisdiction of the said Village Munsif's Court.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5456 2526/5-12-95		1895				

[G/9]
2,000—2-4-35.

C. No: 4203/28 Dis—

C. No: 4203/28 Dis—

Current No. 2776

Judl. DEPARTMENT.

P. KRISHNA RAO,
24 JUN 1935
DY. COLLECTOR.

From

Arunagiri Moodali
and other ryots
Kalla Kurichi Taluq,
South Arcot Dt.

No.

Dated 17th April 1895.

Received 6th June 1895.

Repd 7th — " —

Enclosures 7/10—

SUBJECT.

Appeal petition from Arunagiri Moodali and others to appoint the Village Munsif of Emapper as a President of the Bench Munsiff's Court of Kallakurichi.

Endt. No. 14.33.

Referred to the Collector of South Arcot for a brief report

By Order

Lionel Davidson
Ag: Under Secretary

To
The Collr. of South Arcot with papers in original to be returned with reply.

Ootacamund
21st June 1895

TO BE RETURNED
WITH REPLY.

1895
Judl.
2
No. 494.

& have set up

CURRENT NO. 2776

Enclosures (9.)

To

His Excellency the Governor-in-Council,
FORT SAINT GEORGE,
MADRAS.

(Through the Collector of South Arcot District.)

The Humble Appeal Petition of Arunagiri Moodelly, Contractor of Public Works and Local Fund Departments and other Ryots in the Kallakurchi Taluq, South Arcot District.

MAY IT PLEASE YOUR EXCELLENCY IN COUNCIL,

The humble Petitioners with many of the Residents of Kallakurchi Taluq, were in the habit of filing petty civil suits in the Court of Village Munsif of Emapper, which is only 4 furlongs to Kasba Kallakurchi, and they were all along been satisfied with the Judgments the present Munsif distributed in the cause of justice; till in the month of July 1890, when some of the ryots offered to institute cases, their suits were refused and the suitors were told of the restricted powers of the court published at length by the District Judge of South Arcot in the District Gazette dated 23rd July 1890. (Vide Exhibit A. Notification published by the District Judge).

II. The Petitioners thereafter preferred their case to the High Court Judges with the prayer that the powers of the above said Village Munsif's Court be extended in view to facilitate the distribution of justice on less expensive costs and for other reasons recorded below. The ryots have received in reply under the signature of the Registrar that the "*Petitioners may apply to the District Judge or to the Collector.*" (Vide Exhibit B the original Mahazirnamah and the Endorsement of the High Court No. 205 of 1890.)

III. As per orders of the High Court the petitioners with 500 or 600 signitories addressd the Collector with a Mahazirnamah dated 17th November 1890. (Vide Exhibit C.)

(1.) The Collector of the District has forwarded the Mahazirnamah to the Deputy Collector on General Duties, Tirukoilur Division, for his opinion; who has summoned the Village Munsif of Emapper and a Statement was taken from him as to the number and value of suits filed and disposed of by him from in and outside his jurisdiction to a radius of 10 or 15 miles from the year 1888 to the middle of the year 1890.

(2.) Upon the Statement of the Village Munsif, the Deputy Collector has asked the Tahsildar of Kallakurchi whether the Village Munsifs mentioned in the list presented by the Village Munsif of Emapper, are exercising their civil power, if not, why?

The Tahsidar has submitted a subjoined statement and asked the Village Munsifs to fill up:—

Consecutive No. of the Village.	Name of the Village.	Name of the Village Munsif.	No. of suits filed and disposed of.	If the Village Munsifs are not excercising Civil Suits, they must briefly explain the cause in this Column.
*	*	*	*	*

(3.) Most of the Village Munsifs of 150 villages have given different statements for non-exercising the Civil powers such as, that :—

(*a.*) they are engaged in the Revenue Collection,
(*b.*) they do not know how to exercise their civil powers,
(*c.*) they are to look after their own cultivation,
(*d.*) and that they have suburbs or neighbouring villages for their collection &c.

(4.) Their statements will be borne out by the records in the Deputy Collector's office, Tirukoilur. Call for all the records that correspond the subject from the Collector of South Arcot District and the Deputy Collector on General Duties Tirukoilur Division, and the monthly Returns and Annual Statements submitted by the Village Munsif of Emapper to the District Munsifs' Courts (viz.,) Tirukoilur and Virddhachellam :—nearly 250 or 300 suits were filed and disposed of by him every year from 1888 to 1890 under sections 14 & 16 of the Madras Act No. I of 1889.

IV. (*a.*) The petitioners have received a Tamil Endorsement No. 4868/1890 from the Deputy Collector based upon the Collector's Letter No. 852/2nd dated 15th June 1891, stating that it is unnecessary to ask Government to extend the jurisdiction of the Village Munsif of Emapper in the Kallakurchi Taluq (Vide Exhibit D).

(*b.*) The Petitioners and others again addressed the Collector with a Review Petition dated 7th July 1891 and they have received an Endorsement No. 2715 dated 16th July 1891 stating that the "*Petitioners will be informed that under existing arrangements the Collector cannot grant the Munsif increased jurisdiction and does not think it advisable to make any recommendation to Government on the subject.*" (Vide Exhibits E. and F.)

(*c.*) Having not received favourable orders on the petitioners' behalf from the Collector of the District, the petitioners finally addressed the District Judge regarding their prayer (Vide Exhibit G.)

(*d.*) Proceedings of the District Judge of South Arcot No. 322, dated 17th May 1892, stating that "the Village Munsif had no jurisdiction over Defendants not residing in "his village except in the special circumstances mentioned in Section 16 Madras Act I of "1889. He has no power even with the consent of parties to try suits unless the Defendants "reside or carry on businsss or permanently work for gain within the local limits of his juris-"diction at the time of the commencement of the suit" (Section 15.)

2. Any party desirous of having his suit decided by the Village Munsif of Emapper may under Section 21 of the Madras Village Courts Act, apply to the District Munsif of Tirukoilur for a transfer of his suit from the Village Munsif having local jurisdiction to the Village Munsif of Emapper, may be nominated arbitrator and Proceedings may be taken under Chapter XXXVII of the Civil Procedure Code. (Vide Exhibit H.)

(*e.*) Herein submitted a rough sketch showing the comparative distances between the Village Munsif Court, Emapper, and District Munsif's Court, Tirukoilur. (Vide sketch attached I.)

(*f.*) The same Village Munsifs who were in their offices before Vattavári have established their mirasi right of 17th Fasli and were confirmed during the revision establishment and the Petitioners derived no benefit thereby.

V. There are Government Orders and Proceedings passed by the Board of Revenue that persons possessing such qualifications and educational attainments as may from time to time prescribed by Government, must be appointed for the Court of Village Munsif under sections 5, 6, and 7 of the Village Munsif's Court Act I of 1889.

VI. (*a.*) It is only for the good and convenience of the public, the Government frame Acts and increase the powers of the Village Munsifs then and there.

(*b.*) The Petitioners addressed the Collector and the Judge of the South Arcot District and patiently waited for 3 years together that they would take necessary steps in recommending the Government on the petitioner's behalf, to extend the jurisdiction of Emapper Village Munsif Court to a radius of 10 or 15 miles. After all they were not pleased upon the poor ryots to take the trouble of recommending to the Government, but simply the Collector and the Judge have passed orders as stated in paragraphs IV (*a*) and (*d*) respectively.

VII. (1.) The Petitioners beg permission to represent that it is unavailing to travel to the distant District Munsif's Court, Tirukoilur, of 30 or 40 miles on every possible occasion and that it entails far more expenses than the amount of the petty suits to be recovered and that the Proceedure which is lengthened in point of time in the District Munsif's Court on account of the distant residences of the parties encourages a spirit of ill-fed rancour among them as a result which comparatively diminishes the value of the benefits of justice obtained at the end.

(2.) They further beg to add that in a great number of cases, the suitors *abandon their claims* for want of sheer courage and much more so of purse to face the evils described.

(3.) They earnestly therefore pray that the ruling of the Judge which interpreted it for a Village Munsif to be *ultra varis*, to accept suits from outside his village may be modified.

This cannot be [illegible] without an amendment of [illegible] law

(4.) The greatest number of persons that have subscribed to 2 or 3 Mahazirnamahs addressed to the District Collector and Judge, live outside the jurisdiction of Emapper Village Munsif Court and as these cannot resort to their own Courts for the reasons that they have more in their villages and that no competent Village Munsifs have taken up the powers, they find their suits greatly affected and injured by the long travel to Tirukoilur District Munsif's Court. It will be a great relief to them and public benefits if the Emapper Village Munsif Court be established for a specified area of 10 or 15 miles under the provisions of clause 3 of Section 6 of the Madras Village Courts Act I of 1889 to admit outside suits as before.

VIII. The Petitioners now come to understand that under Clause 1 of Section 9 of the Madras Village Courts Act 1 of 1889, Your Excellency has now directed that clauses 2 to 8 both inclusive of that section shall be brought into force from the 1st April 1895 in the specified villages (namely) Kasbah Kallakurchi and Chinna Salem of this Taluq ; and notification will be published in the South Arcot District Gazette and the villages to which clauses 2 to 8 of Section 9 of Act I of 1889 (Madras) are extended.

8096 16.1.95
2953 4.12.94

IX. (*a*). The village Munsif of Emapper, which is only 4 furlongs to Kasbah Kallakurchi, which is now selected under clause 1 of Section 9 of the Madras Court's Act, as a Village Court, possesses the marginally noted educational qualifications (both in English and Tamil) prescribed by Government, and the petitioners had been satisfied with the judgments, passed by him in the cause of justice.

The Village Munsif of Emapper has underwent education the whole of the entrance of the Madras University.

(*b.*) The selected Village Court for which the Munsif is a resident of Kasbah Kallakurchi, will no doubt, under special orders, (which will be published in the District Gazette,) consist of three Judges, the Village Munsif being President, and the other two being selected, one by each party to a suit from a list prepared and maintained by the Collector The said Village Munsif of Kallakurchi neither attains the educational qualifications nor is able enough to manage the Procedure for assembling such a bench for the trial of suits as described in Section 9 of Act 1 of 1889.

(*c.*) The Village of Emapper which is only 4 furlongs to the South of Kallakurchi is also joined to Kasbah Kallakurchi for *Union*.

Under these circumstances the Petitioners most earnestly pray Your Excellency in Council, will be pleased to appoint the Village Munsif of Emapper (which is likely to be formed a Union to Kasbah from 1st April 1895, for the selected village of Kallakurchi), in any one of the following three prayers :—

(1.) to appoint him as a President of the Bench Munsif's Court of Kallakurchi and manage when it is taken itself for trial or when groups of Villages are added to this.

(2.) to establish a separate Village Munsif Court at Emapper under Clause 3 Section 6 of the Madras Village Court Act 1889, as is requested by the Petitioners in the latter part of the 7th Paragraph.

(3.) to order him so that the parties that file suits before his Court may select any of the Members from the list that hung at the Court House of Kallakurchi Village Munsif's Court.

For which Act of Justice and Charity, the Petitioners shall ever pray.

17th April ~~February~~ 1895.

GOVERNMENT OF MADRAS 20 MAY 95 REVENUE DEPARTMENT

E. I. PRESS, MADRAS—1895.

Petition ...

$\frac{O}{18}$-10,000—25-3-95.

Judicial (1895.) Deptt

~~REVENUE~~ DEPARTMENT.

Current Number. → 2776 ~~2679~~

1301/95

From Arunagiri Moodali + other ryots. Kallakurichi Taluq S. Arcot Dt

CHIEF SECRETARY 6 JUN 1895 GOVERNMENT OF MADRAS

Dated 17-4-95

Received 20-5-95.

Enclosures 10

Recd in Judl 6th } June '95
Regd " " 7th } **No.**

SUBJECT.

Appeal petition from Arunagiri Moodali and others to appoint the Village Munsiff of Emapper as a President of the Bench Munsiff's Court of Kallakurchi

P. T. O.

ABSTRACT.

G.O. 96: 16.1.95.
G.O. 2953: 4.12.94.
Loosefile (Village Court Act) Circular Rules.

Endt R. No: 915

Transferred to the Judicial Department

Ootacamund } 1st June ~~May~~ 95 }

W. H. ... As under Secretary

8/6
C.S.

Order
This

The petrs will be informed that the Govt. is unable to accede to their requests.

I submit that this should be referred to the Collector for remarks.
10/6/95

Dft 10/6/95
To the petrs (X&O)

Endorst. ~~Endt~~ No: 1433 D/21-6-95

Refd to the Collr of S. Arcot for ~~remarks~~ a brief report.

15-6-95

18/6/95

Dft 14/6/95 To the Collr of S. Arcot (S) with papers in orgl. to be returned with reply.

CURRENT NO. 3662

HIGH COURT
RECEIVED
6 MAY. 95
MADRAS

Enclosures (9.)

To

His Excellency the Governor-in-Council,
FORT SAINT GEORGE,
MADRAS.

(Through the High Court of Judicature, Madras.)

The Humble Appeal Petition of Arunagiri Moodelly, Contractor of Public Works and Local Fund Departments and other Ryots in the Kallakurchi Taluq, South Arcot District.

MAY IT PLEASE YOUR EXCELLENCY IN COUNCIL,

The humble Petitioners with many of the Residents of Kallakurchi Taluq, were in the habit of filing petty civil suits in the Court of Village Munsif of Emapper, which is only 4 furlongs to Kasba Kallakurchi, and they were all along been satisfied with the Judgments the present Munsif distributed in the cause of justice; till in the month of July 1890, when some of the ryots offered to institute cases, their suits were refused and the suitors were told of the restricted powers of the court published at length by the District Judge of South Arcot in the District Gazette dated 23rd July 1890. (Vide Exhibit A. Notification published by the District Judge).

II. The Petitioners thereafter preferred their case to the High Court Judges with the prayer that the powers of the above said Village Munsif's Court be extended in view to facilitate the distribution of justice on less expensive costs and for other reasons recorded below. The ryots have received in reply under the signature of the Registrar that the "*Petitioners may apply to the District Judge or to the Collector.*" (Vide Exhibit B the original Mahazirnamah and the Endorsement of the High Court No. 205 of 1890.)

III. As per orders of the High Court the petitioners with 500 or 600 signitories addressd the Collector with a Mahazirnamah dated 17th November 1890. (Vide Exhibit C.)

(1.) The Collector of the District has forwarded the Mahazirnamah to the Deputy Collector on General Duties, Tirukoilur Division, for his opinion; who has summoned the Village Munsif of Emapper and a Statement was taken from him as to the number and value of suits filed and disposed of by him from in and outside his jurisdiction to a radius of 10 or 15 miles from the year 1888 to the middle of the year 1890.

(2.) Upon the Statement of the Village Munsif, the Deputy Collector has asked the Tahsildar of Kallakurchi whether the Village Munsifs mentioned in the list presented by the Village Munsif of Emapper, are exercising their civil power, if not, why?

The Tahsidar has submitted a subjoined statement and asked the Village Munsifs to fill up:—

Consecutive No. of the Village.	Name of the Village.	Name of the Village Munsif.	No. of suits filed and disposed of.	If the Village Munsifs are not excercising Civil Suits, they must briefly explain the cause in this Column.
*	*	*	*	*

(3.) Most of the Village Munsifs of 150 villages have given different statements for non-exercising the Civil powers such as, that:—

(a.) they are engaged in the Revenue Collection,
(b.) they do not know how to exercise their civil powers,
(c.) they are to look after their own cultivation,
(d.) and that they have suburbs or neighbouring villages for their collection &c.

(4.) Their statements will be borne out by the records in the Deputy Collector's office, Tirukoilur. Call for all the records that correspond the subject from the Collector of South Arcot District and the Deputy Collector on General Duties Tirukoilur Division, and the monthly Returns and Annual Statements submitted by the Village Munsif of Emapper to the District Munsifs' Courts (viz.,) Tirukoilur and Virddhachellam:—nearly 250 or 300 suits were filed and disposed of by him every year from 1888 to 1890 under sections 14 & 16 of the Madras Act No. I of 1889.*

IV. (a.) The petitioners have received a Tamil Endorsement No. 4868/1890 from the Deputy Collector based upon the Collector's Letter No. 852/2nd dated 15th June 1891, stating that it is unnecessary to ask Government to extend the jurisdiction of the Village Munsif of Emapper in the Kallakurchi Taluq (Vide Exhibit D).

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(c.) Having not received favourable orders on the petitioners' behalf from the Collector of the District, the petitioners finally addressed the District Judge regarding their prayer (Vide Exhibit G.)

(d.) Proceedings of the District Judge of South Arcot No. 322, dated 17th May 1892, stating that "the Village Munsif had no jurisdiction over Defendants not residing in "his village except in the special circumstances mentioned in Section 16 Madras Act I of "1889. He has no power even with the consent of parties to try suits unless the Defendants "reside or carry on businsss or permanently work for gain within the local limits of his juris'diction at the time of the commencement of the suit" (Section 15.)

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(e.) Herein submitted a rough sketch showing the comparative distances between the Village Munsif Court, Emapper, and District Munsif's Court, Tirukoilur. (Vide sketch attached I.)

(f.) The same Village Munsifs who were in their offices before Vattavári have established their mirasi right of 17th Fasli and were confirmed during the revision establishment and the Petitioners derived no benefit thereby.

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VII. (1.) The Petitioners beg permission to represent that it is unavailing to travel to the distant District Munsif's Court, Tirukoilur, of 30 or 40 miles on every possible occasion and that it entails far more expenses than the amount of the petty suits to be recovered and that the Proceedure which is lengthened in point of time in the District Munsif's Court on account of the distant residences of the parties encourages a spirit of ill-fed rancour among them as a result which comparatively diminishes the value of the benefits of justice obtained at the end.

(2.) They further beg to add that in a great number of cases, the suitors *abandon their claims* for want of sheer courage and much more so of purse to face the evils described.

(3.) They earnestly therefore pray that the ruling of the Judge which interpreted it for a Village Munsif to be *ultra varis*, to accept suits from outside his village may be modified.

(4.) The greatest number of persons that have subscribed to 2 or 3 Mahazirnamahs addressed to the District Collector and Judge, live outside the jurisdiction of Emapper Village Munsif Court and as these cannot resort to their own Courts for the reasons that they have more in their villages and that no competent Village Munsifs have taken up the powers, they find their suits greatly affected and injured by the long travel to Tirukoilur District Munsif's Court. It will be a great relief to them and public benefits if the Emapper Village Munsif Court be established for a specified area of 10 or 15 miles under the provisions of clause 3 of Section 6 of the Madras Village Courts Act I of 1889 to admit outside suits as before.

VIII. The Petitioners now come to understand that under Clause 1 of Section 9 of the Madras Village Courts Act 1 of 1889, Your Excellency has now directed that clauses 2 to 8 both inclusive of that section shall be brought into force from the 1st April 1895 in the specified villages (namely) Kasbah Kallakurchi and Chinna Salem of this Taluq; and notification will be published in the South Arcot District Gazette and the villages to which clauses 2 to 8 of Section 9 of Act I of 1889 (Madras) are extended.

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The Village Munsif of Emapper has underwent education the whole of the entrance of the Madras University.

(b.) The selected Village Court for which the Munsif is a resident of Kasbah Kallakurchi, will no doubt, under special orders, (which will be published in the District Gazette,) consist of three Judges, the Village Munsif being President, and the other two being selected, one by each party to a suit from a list prepared and maintained by the Collector The said Village Munsif of Kallakurchi neither attains the educational qualifications nor is able enough to manage the Procedure for assembling such a bench for the trial of suits as described in Section 9 of Act 1 of 1889.

(c.) The Village of Emapper which is only 4 furlongs to the South of Kallakurchi is also joined to Kasbah Kallakurchi for *Union*.

Under these circumstances the Petitioners most earnestly pray Your Excellency in Council, will be pleased to appoint the Village Munsif of Emapper (which is likely to be formed a Union to Kasbah from 1st April 1895, for the selected village of Kallakurchi), in any one of the following three prayers :—

(1.) to appoint him as a President of the Bench Munsif's Court of Kallakurchi and manage when it is taken itself for trial or when groups of Villages are added to this.

(2.) to establish a separate Village Munsif Court at Emapper under Clause 3 Section 6 of the Madras Village Court Act 1889, as is requested by the Petitioners in the latter part of the 7th Paragraph.

(3.) to order him so that the parties that file suits before his Court may select any of the Members from the list that hung at the Court House of Kallakurchi Village Munsif's Court.

For which Act of Justice and Charity, the Petitioners shall ever pray.

February 1895,

* Refer this petition to the District Munsiff of Tirukoilure, who will call for the V. M. of Emappar with all his records of civil functions that were exercised by him during the years 1888, 1889, & 90, examine them & report of his competency.

17-4-95

[illegible] PRESS, MADRAS—1895.

A 735/Re

COLLECTOR'S OFFICE
15 AUG 95
SOUTH ARCOT

(Papers returned)

Forwarded to the D. M. of Tirukoilur who is requested to expedite the submission of the report called for in this office Refer No 4203/V.8 dated 27th June '95.

A. Underwood (?) Ag Collector
12-8-95

10/8

DESPATCHED.
13 AUG. 95

Read number [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
15/8/95

2776

Judicial Dept

Refce No: 1433/95.

CURRENT NO. 3662

1137

No 2037.

Forwarded to the Chief Secretary to Government, Fort Saint George.

(By order.)

High Court of Judicature, Appellate Side, Madras, 30th July 1895. } D. W. G. Comie

Ag. Registrar.

Recd 1-8. 95

Encs. 10 (one rough map)

Et Cho/176/S.

1203

1895

3/44

O. No 4941

Jr.

Endorsement No. 1824

Referred – in contn. of Endorsement d 21. June 95. No 1433 – to the Collr. of S. Arcot for report.

(By order)

Ootacamund 6 August 1895 } Lionel Davidson 6-8

Ag. Under Secretary

TO BE RETURNED WITH REPLY.

Wr. a/8/95 to the Collr. of S. Arct.

HIGH COURT.

Tappal Petition No. 105 **of 1895.**

From

Inhabitants of Kallakurichi Taluq, S. Arcot.

Dated.

COLLECTOR'S 8 AUG 95 SOUTH ARCOT

Received. 6th May 1895

Stamp Rs. Nil

CHIEF SECRETARY -1 AUG.-1895 GOVERNMENT OF MADRAS

With 9 Enclosures.

Abstract.

State that they addressed the High Court in 1890 to extend the jurisdiction of the village-munsif's Court of Emapper & that the High Court directed them to the District Judge or the Collector who have taken no action in the matter and pray the Government, through the High Court, to extend the jurisdiction of the said Village munsif's Court and to allow them to file suits in that Court as they incur great expense in travelling to Tirukoilur Dt. Munsif's Court to conduct petty Civil Suits.

P.T.O.

Refce to. 2643/95

From The Tahsildar of Kallakurichi

To The Deputy Collector on General Duties Tirukoilur Div.

Sir

In submitting herewith the records received with your order No. 735/E.C. d/ 3.7.95 I beg to report as follows:—

1. The Village Munsiff of Emapper has a few enemies in his own village as well as in Kallakurichi. Excepting this, he appears to be popular in several of the neighbouring villages where I made local enquiries about him.

2. As for his–

qualifications, I have to submit that he possesses, no doubt, all the necessary qualifications required for the Office of a village Munsiff. He adds to this, a knowledge of English also, and he has more than the average efficiency for the post of Munsiff. The no. of persons who resort to him for filing suits is found to be (427) for 88, 89 & 90.

3. As regards the village Munsiff, Samandra Pillai, of Kallakurichi, I am unable to draw a comparison between him and Gopala Iyer of Emapper. The former is not an incompetent man. But, being old and

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Ah and set in [illegible]

ignorant of English, as most Munsiffs are, he can certainly be no match to the efficiency of Gopala Iyer. He is not unfit to exercise Civil Jurisdiction, but, as a matter of fact, he admits himself, that he has never exercised it and has yet to learn the details.

4. Among the Munsiffs of villages within 10 miles radius of Emapper there are some who are fit to exercise Civil powers e.g. the Munsiffs of-
1. Ervoypattanam
2. Vadakkanandal
3. Menjaputhur
4. M. Kottatam
5. Porasakurichi
6. Mudiamur
7. Iragandug.
8. Tandalai

But none of these Munsiffs are in the habit of exercising such powers.

5. As for applying the provisions of clauses 2 to 8 of Sec. 9 of Act I of 1889 to Emapper vattam, I am of opinion that there is no necessity for it, considering that the resident population in Emapper is only about 642, several of the ryots of the vattam residing in Kallakurichi town itself.

6. For the same reason and considering that Emapper is situated within a mile of Kallakurichi I

would

I have set up in

would propose that the two villages might advantageously be clubbed together for purposes of the Village Courts' Act 1889. But Gopala Iyer the Munsiff of Emapper says, that he is not willing, in that case to resign his Monigarship of Emapper and be an honorary Munsiff without pay for the new village Court constituted under Sec 6. cl. (1).

7. As regards the genuineness of the Mahazar[x] in favor of Gopala Iyr, I have to submit that though there is no reason to doubt

[x] The one submitted to the High Court.

As to genuineness, the mahazar does not appear to be the result of any free and voluntary action ~~of~~ on the part of the signatories thereof, though most of them allege that it is their own prayer and not made at the instance of Gopala Iyer. I made enquiries and examined several of the signatories on the point, and I find that several of them were village officers, — Karnams and Monegars — who had assembled at the Taluk Catcherry for purposes of Jamabandy and they affixed their signatories thereto, it was circulated

to them by or on behalf of Gopala Iyer the Munsiff of Enapper. There is however, a 2nd mahazar on record addressed to the Collector, dated 11th February 1895. The signatories to this 2nd mahazar, on being examined, allege, that it is the result of their own action & that it is genuine. Most of them are traders residing in the town of Kallakurchi.

8. Before closing this report, I may be permitted to submit that Kallakurchi being a backward Taluq with

few Munsiffs — exercising civil powers, Gopala Iyer appears to have taken advantage of his situation and continued to exercise such powers, not only in his own vattam but also in several villages beyond his jurisdiction, until the irregularity was noticed and put a stop to in 1890. — Gopala Iyer, finding that under the new Village Courts' Act, he might sink into insignificance if he should fail to secure a seat on the Kullakurchi Bench Court, now appears

I have set up a petition of Appeal under report, with a view to regain his ~~[illegible]~~ former influence. I may also add further, that the Bench has not as yet commenced its sittings, although it was ordered to be started from 1st April last.

7th August 1895

I beg to remain
Sir
Your most obt Servant
Poopoo Samuel
29.8.95
Tahsildar

Dec

~~Entered~~

From

The Tahsildar of

Kallakurchi

To

The Deputy Collector

on General duties

Tirukoilur

Dated 29 } August 95
Despd 3 } 9.95

~~Ref~~ No $\frac{2643}{95}$

then one
last per pres
~~Encl.~~ 25 (2 files)
in this office

Put up
[illegible]

M 31/9/95

Reporting on the petition of certain ryots of the village of Kallakurchi requesting to extend the jurisdiction of the village Munsiff Court of Emappair

1895
1
R. No. 494

G. D. Deputy Collector's Office,
Tirukkoyilur,
Dated 8th October 1895.

From,
M. R. Ry
P. Rajaratna Mudalliar Avergal B.A.
Deputy Collector G. D.
South Arcot.

To
The Collector of
South Arcot.

Sir,

4203/ver of 1895 dated 27.6.95
4203/ver dated 12.8.95

In returning the marginally noted papers being petitions presented to Government on behalf of Gopalaiyar village Munsiff of Emappur in the Taluk of Kallakurchi in which it is alleged that the said Munsiff may be made the President of the Bench Munsiff's Court at the Head Quarters of the Taluk, I have the honour to submit the report of the Tahsildar of Kallakurchi dated 29.8.95 No 2643 on the several points raised by the Collector and to state that the petition is not one voluntarily sent up by the ryots who are alleged in the petition to have been pleased with the way in which the village Munsiff did his work. On the other hand it appears from the report above referred

to

I

to that the Village Munsiff himself set up the petitions under report. As far as I am aware — and I know Gopalaiyar well for some years past — I am unable to say that he has been popular at all. The man appears to have been attempting to "become a Munsiff." for years past and shows that he disposed of a number of cases. The Tahsildar has not given figures for each year but says that during the 3 years 1888, 1889, & 1890 he disposed of 427 Cases. It is not known why figures have not been furnished for more recent years and how far the figures now reported are correct. Granting that he has disposed of Cases always, I do not think, that Gopalaiyar is a desirable individual to be made the President of the Bench Court to be Constituted at Kallakurchi. The Tahsildar says that he has a few enemies in his village & and that he is otherwise popular. I often ~~[illegible]~~ visited Kallakurchi and knew what Gopalaiyar's reputation is. He is hated by many of the villagers as a great bully and my wonder is how he has managed to show the figures reported by the Tahsildhar. It appears from the papers that the man was irregularly

entertaining

entertaining cases relating to other villages as well. He was found fault with for residing in Kallakurchi out of his group and being there, I believe, volunteered to dispose of all petty disputes that might turn up at the Taluq Head quarters to which people from all parts of the Taluk resorted.

2. He was found to have taken parts in the factions of the village last year which related to the enjoyment of the long grass growing on the tank bed of the village. The Munsiff had to be rebuked for his interference in it. My final order in the case ran as follows. "It is clear from the Tahsildar's report "that the Monigar is siding certain factions in "the village and interfere in Civil matters. If "the ryots do not come to an amicable settlement "about the enjoyment of the reeds growing on the "tank the Monigar ought not to interfere "and dictate any terms to them. If he gives unnecessary trouble to the Collector any more "his Conduct will be noticed. He is referred for orders to the Tahsildar of Kallakurchi." The Tahsildar's report on which the above order

was

was passed was to the following effect.
"The Munsiff in his capacity as village
"magistrate reported at first in favour
"of that faction as against the other and
"he was told that he should leave it to the
"aggrieved party to seek redress in the proper
"Courts. Against this order he has sub-
"-mitted the petition under report to the
"Collector direct thus identifying himself
"with the side he has taken up. The peti-
"-tion shows that he has taken unnecessary
"interest in a matter which might as well
"have been left to the parties themselves to
"settle". The Munsiff was reported recently
by the District Forest Officer in connection
with a case of alleged theft of Poromboke trees
in his village as follows:— "The interference
"of the village Munsiff does not seem to me
"to be without a motive. From the report it
"would appear that the felling of trees was carried
"on for about 4 days in an open manner. As the
"forest subordinates took the initiative on
"the matter the village Munsiff probably
thought

"thought that he would be taken to task for
"not noticing the felling of trees on poromboke
"lands and hence prevented the Forest Guard
"from removing a part of the seized wood
"Otherwise ~~that~~ there was no necessity for him to
"seize the wood already seized, knowing full
"well that the Forest guard had taken action
"in the case. His procedure is deserving of
"serious notice. 27.7.95"

3. In connection with the same case the Munsiff made an allegation before the Police Inspector of Kallakurchi that a private Vakil, the Station House Officer of the place and a Clerk of the Stationary Sub Magistrate Court tried to ~~hack~~ hush up or mitigate the seve-rity of the offence by procuring permits from the Forest Departments to cover the Cutting and removal of the trees in question after they were cut. The Tahsildar in his report 12th May 1895 Ref: on No 1718/95 brought to notice as follows in the same connection,
"In short I am inclined to believe that
"there is clearly some bad blood between
the

"the Police and the Forest Department and "the village Munsiff is lending his help "to the Police in whose hands the Ranger "is unwilling to leave the case." These are some of the grounds which have led me to consider that Gopalaiyar is not a desirable individual to be entrusted with the responsible duties of a President of the Bench Court. I beg to submit herewith my report No. $\frac{488}{cur}$ dated 11.7.95 which was returned for disposal by me and the Tahsildar's reports quoted above for your perusal and return. I shall cause the necessary enquiry to be made about the complaint referred to in the papers and shall dispose of it in due course.

4. There was also a case of Embezzlements of Kist Collection ~~be~~ brought against the Maniyar. As nothing has been proved against him in that connection I have not reported it in detail.

I have &c
(Sd) P. Rajaratna Mudaliar
Deputy Collector

True Copy submitted to the Chief Secretary to Government Judicial department in reply to Endorsements Nos $\frac{1433}{21-6-1895}$ and $\frac{1824}{6-8-95}$. The petitioners request that Gopala Iyer the village Munsiff of Enappoor in the Kallakurchi Taluq may be entrusted with extensive Civil powers. From the reports, Gopal Iyer appears to have considerable ability but to be of an intriguing Character & he appears to have instigated the 2 ~~petitioners~~ petitions now resubmitted. The petitions, do not therefore appear to deserve Consideration.

Collector's Office
~~Cuddalore~~
15-10-95

for Ag Collector

1895.

CURRENT No. 4941.

Refce nos. 1483 & 1824/95 & papers.

From,

A. E. Castlestuart Stuart Esqre

Ag Collector of

South Arcot

Cur. 2776, 3662 & 4941/95

To

The Chief Secretary to

Government

(Judicial Department)

Madras.

Order 24th October /95 No 2164

mis

The petitioners will be informed that the Govt. is ~~unable~~ not prepared to accede to their requests.

D 22.x.95

Dated 15th } October 1895
Received }

No 4203 V

Enclosures 2 [illegible]

Subject.

Submitting Report on the petitions of Arunagiri Mudali & others to appoint the Village Munsiff of Ewappur as President of the Bench Munsiffs &c of Kallakurchi.

To

The Petrs. in Cur. 2776 & 3662 with encls & A. Des 30/10

MR 22.10.95

Copied & [illegible] 27/10

MR 22/10

Cwo

When given for copying ______ }
When copied ______ } 189 .
When examined ______ }
When signed ______ }

READ AGAIN G.O., No. DATED
189 .

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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