

Judicial (189^s) Department.

ORDINARY MS.

G.O., No. 93^s

Dated 7th May 1895

INDEXED.

[Despatch Abstract.]

PETITION.

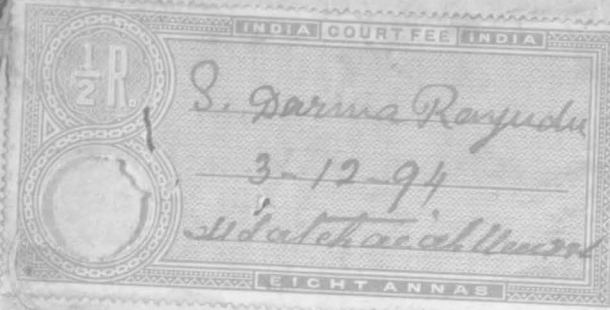
Referring P. Tulasi Nayudu of Pachipenta, Saluru Sub Magistrate's Division, Vizagapatam district, to the Special Assistant Agent Vizagapatam, with reference to his---praying to sanction the sale by auction of the Respondent's Mokhasa Village of Lungiri.

BACK PAPERS.

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

FURTHER PAPERS.

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

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[illegible][illegible]

period. notwithstanding the pet^r's objection the Respond^t's request. was complied with and she was given two months' time to satisfy the decree. She however failed to do so; and the sale of the attached village was therefore sanctioned. Subsequent-ly the Special Asst. Agent, somehow thought that the above village was a Service Mokhasa and cancelled the order of sale. Thereupon the pet^r requested the District Agent (Coll^r) to reverse the Special Asst. Agent's deci-sion and to sanction the sale of the attached property which the pet^r pointed out was not a Service Mokhasa but only Recent Mokhasa, and con-tended also that so much of it at least as he had a right to, may without objection be sold by auction. But the Dist. Agent saw no reason to interfere with the Special Asst. Agent's order which he thought was in conformity with Section 305 of the Code of Civil Procedure. (vide Encl^s No 3). The pet^r presen-tered a review petition to the same Officer which was rejected (vide Encl^s No 2) The pet^r appealed to the Board of Rev which directed him to apply to Govt. in the judicial Dept., since it had no jurisdiction in the matter (vide Encl^s No - 1.)

The peti complains that he has suffered much injus-
-tice by the above decision & adds that the decision of the Board is based on a mistaken notion. He there-
fore prays that Govt. which is the embodiment of all Justice & Charity will be pleased to reverse the orders of the Special Asst-
agent and District Agent after perusing the Original Records in the case, and to sanction the auction sale of the village of Lunjini names above.

CC
9/1

Current No. 61 of 17.1.95.
agency

[G]
9
1,000-25-10-94.

Current No. 10

DEPARTMENT.

From P. Tulasi Naides of
Pachipenta, Salur
Sub. Magistrate's Office
Vizagapatam DC

No.

Dated 24/12/94

Received

Enclosures 3

SUBJECT.

Petitioning to sanction
the Auction Sale of the
Respt's Mokhasa vil.
lage of Lungiri.



Forwarded to the Special
Agent for early report
and return

For Agent to
make

Endorsement of 12-1-95 No 53

Referred to the Agent of the
Govt in Vizagapatam for report.
(By order)

Davidson
for Under Secretary.

The Agent to the Govt in Vizagapatam.

ME
10/1

TO BE RETURNED
WITH REPLY.

The petr states as follows:-

The Respt. K. Sanyasamma
owned the Mokhasa villages of
Lungiri, its hamlet Bhera-
valsea, Kangara, Baagi and
Kandranaga which are all re-
cent grants. Of these, villages
nos 3, 4 and 5 were sold by her
to one Sivaramayya and no 2
was sold by auction by the
Special Asst. Agent in Satis-
faction of the amount decreed
against Respt. in Suit No 22
of 1886. Village no 1 was at-
tached by the same officer
in '92 in satisfaction of
the amount decreed to the
petr. Thereupon the Respt.
applied to the said officer to
suspend further action
promising to pay off the
amount within a certain
period

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CURRENT NO. 2076
JUDICIAL DEPARTMENT.

From

THE AGENT TO THE GOVERNOR

VIZAGAPATAM.

To

THE CHIEF SECRETARY TO
GOVERNMENT MADRAS.

Cur. 10 + 2076/95

Order of 7th May 1895. No 935.
mis

The petr. will be referred to
the special asst. Agent.

2.5.95
75/95.

Dated 19th April
Despatched 26 18 95
Received 27
Recd 28

UNDER SECRETARY
27 APL 95
No. 389
ENCLOSURES. 3
ret.

Subject.

Reporting on the petition
of Pachipenta Tulasi
Naides versus K. Sanyasamma regarding
the attachment of the
Mokhasa village of
Lungiri Potlanchi Taluk

10/15

Disposal. No. 389

CURRENT NO. 2076.

VIZAGAPATAM COLLECTOR'S OFFICE

Dated 19th April 1895

From

F. D'A. O. WOLFE-MURRAY Esq^r.

Agent to the Governor
Ag. Collector,

Vizagapatam District.

To

The Honorable J. H. Price

CHIEF SECRETARY TO GOVERNMENT,

Judicial DEPARTMENT,
MADRAS.

Sir,

With reference to the endorsement of the Government No. 53 dated the 12th January 1895 forwarding to me for report petition dated 24th December 1894 from Pachipenta Tulasi naidu, herewith returned, I have the honor to report that the petitioner obtained a decree against one Hincha Sanyasamma (O.S. 3 of 1891 Execution Petition 19 of 1892) on the file of the Special Assistant Agent. In execution of that decree the judgment debtors' not have

mokhasa village of Lungiri was attached; but on her petitioning the court under Section 305 Civil Procedure Code that the mokhasa village might be released and that she would arrange to have the debt paid off otherwise than by the sale of the attached property the Special Assistant Agent released the attachment and granted the judgment debtor's request by allowing her two months time to clear off the debt.

He also directed the decree-holder that the village being a service mokhasa could not be sold in execution of a decree and that he should therefore seek some other means of satisfying the decree if the judgment debtor

x Postponement of sale of land to enable debt to raise amount of decree.

x Village or land assigned to an individual either rent free or at a low quit rent, on condition of service.

111

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who had obtained permission to pay off the debt within two months should fail to do so.

2. The petitioner instead of moving the Special Assistant Agent's court on the subject at the expiry of the two months time granted to the judgment debtor, appealed to me against that officer's order and I dismissed the appeal as the order made by the Special Assistant Agent was in conformity with Section 305 of the Code of Civil Procedure. The sale of the village was first postponed as the judgment debtor petitioned that the village was a service mokhasa.

3. As the Special Assistant Agent now reports that the petitioner has again presented another petition in his court asking that the interest of the judgment debtor

should be sold and that he
 therefore ordered the judgment
 debtor to produce her title deeds
 for his inspection. I presume
 the petitioner has nothing more
 to complain of. The judgment
 debtor's status with regard to the
 village will be ascertained and
 the matter dealt with judiciously
 by the Special Assistant Agent.

I have the honor to be
 Sir
 Your most obedient servant

Comp^d M

Asst. Agt. Agent to the Governor
 M. V. R. C.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

AGAIN G.O., No.
 189

MENT No.

LOURNS to C. No.

ORDER OF GOVERNMENT

TTER OF GOVERNMENT.

EMENT WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.-

A = Copy in full.
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