

(1) பக்கங்களின் எண்ணிக்கை _____

(2) புதுக்கித் திருப்பிய நாள் _____

(3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial துறை

அரசாணை எண்.	அச்சகம்
மு: கோப்புத் தாள் எண். 334	பலவகை
(67-68)	
நாள்: 12.2.1991	199

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண: கா. 1-18,006-6-9-90.

327

Just. DEPARTMENT.

No. 291.

From *the Govt. Pleader, Madras, dated*
27th Jan: 1881. No. 21.

FOR ORDERS.

The Zemindar of Gunda.
Gotai, Cuzne Taluk, was
tried in 1878 for abetting
dauidy & acquitted by
the Sec. Judge, Trichy, but
upon appeal by Govt. to
the High Court against
the acquittal, the sentence
of the Sec. Court was set
aside & the Zemindar
convicted & sentenced to
transportation for life & to

செப்பலுபவர் பெயர்
 செப்பலுபவராக எடுத்த
 கொள்ளப்பட்ட நாள் Jan. 1896
 செப்பலுக்கு முடிந்த நாள் June 1896
 சரிபார்க்கப்பட்ட
 மு. பா. சி. அ. வி. யா. என்
 கையொப்பம் 21/6/96
 கையொப்பம்

✓
fine of Rs. 5000. This
was in 1879. The Zemindar
has having failed to
surrender on this sentence
the Jails of Lahore was
directed by the Judge
under Sec. 172 Cr.P. to
attach the estate.

Doubts having
been entertained whether
the Zemindar was rightly
proceeded against as
an accused person under
Secs. 171 to 173 (he having
surrendered at the right
trial held by the Judge)
the matter was referred
to the Adm. Genl. His
opinion was that the
attachment was not
warranted by law as
there is no power in the

324.
6

Jul 11/11 / Sep 8

7

From 11/11/11

1881

Mr Fort Meade

Madras

80

Mr Chellidies

Madras

dated 27 Jan 3

Dec 21

Reference to Madras
Govt as to legality
of proceeding by
which Government
permissible attacks
of
Referring result

334 3/2

Code to attack the
property of a church
abandoning and he sug-
gested that the D^r Magistrate
Tanjore be instructed to
refer the question to the
Court. This was done
& the Govt. Pleader was
reported that the Court
has upheld the attack;
being of opinion that
Sec. 185 makes Sec. 171
to 173 applicable to all
warrants, whether for
arrest of convicted persons
or not.

The matter raised
in para 4 and 5 of
Mr. Handley's letter
& in letter from the
Inspector of Tanjore
have passed by the Res.

Deph: regarding the
 J. W. intervention under
 Sec. 326 of the Code of
 Civil Pro. with execu-
 tion proceedings of the
 Dist. Court in connec-
 tion with possession of
 this State, are now
 submitted for final
 order. With reference to
 the final para. of the
 G.O. of 9 Aug^t it is pre-
 ssumed Govt. do not
 desire the C.M. to inter-
 vene in the matter of
 the execution issued by
 certain judgment creditors
 against villagers in the
 State. B.P. 1/2/11

FOR ORDERS.

If as I understand the
 Zamindar is now in
 custody & undergoing his
 sentence, I do not think the
 fine will be the result
 from our attack!
 B.P.

The Government
 have not yet decided

G.O. Jud^t 334/81.

No 21 5/18³
 Madras
 27 January 1881

From
 J. W. Handley Esq^r
 Government Pleader
 Madras

To the Honble R. Gardom
 Chief Secretary to Government
 Madras

Judl Dept
 9 Augt 1880
 N^o 1898
 26 Augt 1880
 N^o 2092

With reference to the Proceedings
 of Government noted in the
 margin I have the honor to report
 that in September last, as requested
 by the Collector of Tanjore, I
 presented a petition to the High Court
 requesting directions as to the
 legality of the proceedings by which
 the Gundrachuk Zamindary
 was attached, and the same was
 this day disposed of together with
 another petition presented by
 Mr. Normandy on behalf of
 the Zamindar and his family
 asking

asking that the attachment should be set aside as illegal.
2. The only doubt as to the legality of the proceedings suggested in my petition was that raised by the Advocate General whether Sections 171 to 173 of the Criminal Procedure Code apply to a convicted person or only to an accused person before trial. After argument the Court was of opinion that Section 185 makes Sections 171 to 173 applicable to all warrants, whether for arrest of convicted persons or not. It therefore became unnecessary to pass any Order on my petition as the doubt on which it was founded was thus removed.

3. Mr. Normandy's petition impugned the legality of the proceedings on the ground that no proper warrant was issued, ^{that}

that the Zamindar at last ^{23/4} surrendered himself voluntarily and on various other grounds. I thought it my duty to oppose his application as the only doubt which Government had entertained as to the legality of the Sessions Court's proceedings was that before mentioned, and that being removed there seemed to be no reason why the attachment should not be upheld. The Court held that there had been no irregularity in the proceedings such as would induce them to interfere. If the form of warrant adopted was not quite regular, the Zamindar had been in no way prejudiced thereby, as the proclamation must be taken to have been duly made in accordance with law and he had not brought himself under Section 175

175 and in fact had not even
surrendered for more than
6 months. Mr. Normandy's
petition was therefore dismissed.
I shall forward a copy of the
Order of the High Court as soon
as I can obtain one.

4. The result seems to be that
the estate is for the present
at the disposal of Government.
The balance of the fine of Rs 5000
can be realized either by sale
of part of the property, or from
the accumulated profits in
the hands of the Collector.

5. I believe the Zemindar
has a minor son and it may
be a question hereafter whether
his rights are affected by the
attachment or whether the same
is only effectual to the extent
of the Zemindar's life interest,
but this question is not now before
me. The possession of the Collector

on behalf of Government may be
taken to be lawful at least
during the Zemindar's life subject
possibly to the right of the son
and other members of the family
to maintenance, which doubtless
Government would be disposed
to allow them whether they had
any legal right to it or not.

I have the honor to be
Your most obed^t servant

J W Handley
Government Pleader

No. 1072. 26.8-10
 " 1729. 9-10
 " 1778-9-10
 " 93-10-1-10

Judicial (1881) DEPARTMENT.
 Chandra cotta
 Zamindari

From The Govt. Meader
 Madras.

Chandra cotta Zamindari

12th July 1881 No. 334

No. 21

This letter will be commu-
 to the D. C. Magr. Tanjore
 with instruction that the
 fine be speedily real-
 ized as one of the modes

Dated 27th January 81
 Recd. 28th

No. 291

SUBJECT.

Reporting result
 of Reference to High Court
 as to legality of Proceedings
 by which the Chandra cotta
 Zamindari was attached.

Official
 J. H. M. P. & Co.
 J. H. M. P. & Co.

with order

2. The Govt. do not
 deem, as already stated
 in Nos. 9 and 10, 1890

that the Section intervene

under Sec. 326 of the P. C.

the matter of the
 in any execution process
 at the instance of the Court

against village in the

estate.

The D. C. Magr. Tanjore

Rev. Mr. Meader

4072. Pleader 3 24/10/17

334
8

Govt. of (1881) Madras.

Partially

Just



G.O., 12th Febry. 1881, No. 334

Nos. 67-68

Gandrasottal Zamindari

Comy, with ~~some~~ instructions
as to realization of fine, &c.,
letter from Fort Pleador, Madras,
was, reporting result of report
to High Ct as to legality of
proceedings by which the
Gandrasottal Zamindari was
attached.

