[L. & M.
2,000—28-10-97.]

G

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 378 M.

DATED 14-2-98

INDEXED.

DESPATCHED

[Despatch Abstract.]

Suit.

Sanctioning with remarks the defence of the — against ~~the~~ Tahsildar of Karur brought by the ex chairman of the Municipality

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.No 1258 m/98							

Local & Muni
~~Judicial~~ DEPARTMENT.

CHIEF SECRETARIAT, MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ ~~the following:~~ C.No. 72 bm of 1898.

~~Letter~~ from the Collector of Coimbatore

ORDER—No. No. 378 M d/ 14. 2 - 98 189 .

THE defence of the suit in the first instance at the public expense is sanctioned. It will be determined when copies of the Decree and Judgment are furnished whether the costs, if any, be adjudged against the defendant shall be borne by the Government.

2. The draft written answer is approved.

~~(True Extract.)~~

V.R. 14/2/98

J.T. 14 2 98

for ~~Chief Secretary.~~

ptd ✓

Coimbatore (with enclosures in original returned)

Dep-ta 14/2/98

[G./26]
250—7-4-97.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 726 M. of 1898.

SUBJECT.

Suit against the Tahsildar of Karur.

H.M.

FOR ORDERS.

The facts of the case are briefly stated in the Collector's letter.

2. In his letter disposed of in G.O. No 1100. M, dated 12th July 1895, the Collector of Coimbatore reported that the Tahsildar of Karur had been employed in a confidential enquiry into the conduct of the Ex-chairman, K. Srinivasa Aiyanga in connection with the late defalcation in the municipality of Karur, that the Tahsildar's selection was due to the fact that he (the Tahsildar) had ~~followed~~ succeeded the defaulter as chairman for some months, that the Tahsildar reported that he considered he had a good case against the Ex-chairman [illegible] the local Government

C

L & M

~~Revenue~~ (1898) Department.

CURRENT No. ~~986~~ 726 M

D 7/2/98

LOCAL & MUNICIPAL DEPT.
726 M

~~Order~~ Endt. No. 608 d/7th Feby 98.

Transferred to the Local and Municipal Department.

S. Forbes
ag Secy to Govt. R.D.

C.A.
7 Feb. 98.

From The Board of Revenue, Land Revenue, Madras.

No. 340 Misc

Dated 3 · 2 · 98.
Received 6 · 2 · 98
Registered 6 · 2 ·
Enclosures 5
Spare copies

SUBJECT.

Submitting for the orders of Govt. letter from the Collector of Coimbatore recommending the defence of a suit for damages instituted against a Tahsildar by the Ex-Chairman [illegible]

Pleader thought that a *prima facie* case had been made out, upon which a conviction might reasonably be had, and accordingly requested sanction under section 197 of the Criminal Procedure code to prosecute the Ex-chairman for an offence especially under section 409 of the Indian Penal Code. The necessary sanction was accorded and the prosecution was conducted by the Tahsildar, but as the accused was discharged by the Head Assistant Magistrate under section 253 of the Criminal Procedure Code, the Ex chairman has now sued the Tahsildar for damages in the sum of Rs 3,000. In conducting the prosecution of the Ex-Chairman, the Tahsildar did not act in his private capacity, or in the discharge of his duties as Tahsildar, but as the Agent of Government by whom the prosecution was sanctioned. In these circumstances the defence of the suit, and the draft of the Defendant's written statement may be approved.

H

G.Os $\frac{\text{1100 Ju}}{\text{12-7-95}}$ c + $\frac{\text{434 Ju}}{\text{16-3-96}}$

2. The accompanying draf
order is submitted for approva

V.R.
12/2/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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hen given for copying

R.O.C. No. 40886 / Rev. 897. Coimbatore COLLECTOR'S OFFICE,
27th January 1898.

FROM

A. Butterworth, ESQ.,
acting COLLECTOR OF
Coimbatore,

TO

THE SECRETARY TO THE COMMISSIONER OF
Land Revenue,
Madras.

SIR,

The Assistant Inspector of Local Fund Accounts when auditing the accounts of the Karur Municipality for 1893-94 discovered embezzlement of Municipal funds and the manager of the Municipal Office, who was prosecuted, was convicted by the Sessions Judge of offences under sections 409 & 465 I.P.C. The conviction was upheld on appeal by the High Court. The then Chairman of the Municipality, K. Srinivasa Aiyengar, against whom a prima facie case was supposed to have been made out, was also prosecuted [illegible] 43 of the [illegible] dated 16th March 1896, Local & Municipal Department, but the Head Assistant Magistrate who tried the case discharged him under Section 253 C. P. C. M.R.Ry S. Krishna Iyer, the then Tahsildar of Karur, was employed to conduct the prosecution of the said Chairman.

2. K. Srinivasa Aiyangar has now filed a suit against the Tahsildar for recovery of damages amounting to Rs 3,000. A copy of the plaint is forwarded with copies of judgments of the Sessions Judge[×] and the Head Assistant Magistrate[⊗] above referred to.

× (copy to be kindly returned)
⊗ (in original to be kindly returned)

3. As the Tahsildar acted under orders, I have the honour to recommend that the suit be defended at the cost of Government and request the Board's approval to the accompanying draft of the defendant's written statement. If necessary, an adjournment will be applied for.

4. The usual A. memo is appended in the margin

Date of Plaint 26th Novr. 1897.
Date of service of the summons on the Collector. 5th Jan. 1898.
Date of Collector's letter 27th Jan. 1898.
Date of hearing. 23rd Feb. 1898.

I have the honor to be,

Enclosure 3 to Letter from the Collector of Coimbatore to the Board of Revenue, L. R., dated 27.1.98, R.O.C. No. 4088 b / Rev. of '97

In the District Court of Coimbatore.

O. S. No 44 of 1897.

K. Srinivasa Aiyangar, son of Rangaiyangar, aged 46, Brahmin, Vaishnava Sect, Pleader, living in Cusbah Karur, within the jurisdiction of the Dt Munsiff's Court, Karur, Coimbatore District } Plaintiff

S. Krishna Iyer, son of Subba Iyer, aged 47, Brahmin, Smartha Sect, Tahsildar of Dharapuram, living in Cusbah Dharapuram, within the jurisdiction of the Dt Munsiff's Court, Udumalpett, Coimbatore Dt } Defendant

Plaintiff above named desires to state as follows under section 50 of C. P. C.

1. Plaintiff was Chairman of the Municipal Council for three years from 14th July 1891 to 13th July 1894.

2. During the latter part of his term of office [illegible] Venkatanarana Iyer, who was then manager of the Municipal office, by divers fraudulent [illegible] committed defalcations of the Municipal funds.

[illegible] 43 of the [illegible]

dated 16th March 1896, Local & Municipal Department, but the Head Assistant Magistrate who tried the case discharged him under Section 253 C. P. C. Mr. Ry. S. Krishna Iyer, the then Tahsildar of Karur, was employed to conduct the prosecution of the said Chairman.

2. K. Srinivasa Aiyangar has now filed a suit against the Tahsildar for recovery of damages amounting to Rs 3,000. A copy of the plaint is forwarded with copies of judgments of the × Sessions Judge and the ⊗ Head Assistant Magistrate above referred to.

× (copy to be kindly returned)
⊗ (in original to be kindly returned)

3. As the Tahsildar acted under orders, I have the honour to recommend that the suit be defended at the cost of Government and request the Boards' approval to the accompanying draft of the defendants' written statement. If necessary, an adjournment will be applied for.

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O. S. No 44 of 1897.

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S. Krishna Iyer, son of Subba Iyer, aged 47, Brahmin, Smartha Sect, Tahsildar of Dharapuram, living in Cusbah Dharapuram, within the jurisdiction of the Dt Munsiff's Court, Udumalpett, Coimbatore Dt. } Defendant

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[illegible] 43 of the [illegible]

all other legal and lawful measures, which were necessary to obtain his acquittal. Plaintiff was also greatly troubled in mind body & mind affected in his professional reputation and has sustained a heavy loss in income as a Practitioner

12. Plaintiff is entitled to a compensation of Rs 4000 from the Defendant for costs incurred by him in defending himself &c., loss of income, loss of professional credit, and for pain of mind of and body.

13. Defendant is bound to Compensate the Plaintiff for the loss he has sustained. A notice of the claim was also given to the Defendant on 22d of September 1897 without any avail.

14. Plaintiff's cause of action arose on the 28th November '96. when he was acquitted, within the jurisdiction of this Honorable Court.

15. Though Plaintiff is entitled to the Amount claimed in his notice to the Defendant he is content with damages in the sum of Rs 3,000.

4 / Vr b Tr of 1898

16. Plaintiff therefore prays that the Honorable Court will be pleased to direct the defendant to pay

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Enclosure 4 to Letter from the Collector of Coimbatore to the Board of Revenue, L. R., dated 27.1.98, R.O.C. No. 4088 b / Rev. of '97.

In the District Court of Coimbatore.
O.S. No 44 of 1897.

K. Sreenivasa Iyengar — Plaintiff
vs
S. Krishna Iyer — Defendant.

Defendants' written statement.

1. Defendant denies that Plaintiff has any Cause of action against him.

2. Defendant is in no way personally responsible for the prosecution complained of by plaintiff. The prosecution was ordered & sanctioned by Government in the L & M Dept & defendant is not liable for the same. Any reports which the defendant may have made to the prejudice of the Plaintiff were made under the orders of his Superiors & in performance of his duty.

3. Defendant denies that that he acted either maliciously or without reasonable and probable cause.

4. The prosecution of the manager referred to in paras 4 & 5 of the plaint was not in respect

damages said to have been sustained in consequence of the Defendants' acts.

6. The damages claimed are remote, not claimable & excessive. The plaint does not state what damages are claimable in respect of each of the headings referred to in it.

7. The Plaintiffs' suit is barred by limitation.

(Copy)

E. W.

for Ag. Collector.

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189 .

2,000
20-1-98.

Proceedings of the Board of Revenue

(Land Revenue).

No. 340 Misc, dated 3-2-98

Read letter from the Collector of Coimbatore dated 24th January 1898 Ref on C. No. $\frac{4088 C}{Rev.}$ of 1897.

Resolution:—

Submitted to Govt. for orders, which it is requested, may be communicated to the Collector direct to save time. The suit is posted for hearing on the 23rd instant.

2. The Copies of Judgments of the Sessions Judge & the Hd. Asst. Magistrate, which the Collector wishes to be returned, may also be forwarded to him direct.

(True extract)

R Ellis

Secretary

hen given for copying
hen copied
hen examined
hen signed 14/2
189 .

AGAIN G.O., No. , DATED
189

ENT No.

ENCLOSURES TO C. No.

GOVERNMENT .. .. .. A A A A A A A

OF GOVERNMENT.

TATEMENT WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.