

Legislative (1897) Department.

ORDINARY PRINTED.

G.O., No. 35

DATED 5-4-97.

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[Despatch Abstract.]

Bill for the amendment of the act of 1865.

Copy to the Legislative Council
a reference letter from Mr. R. R. Subramania
Aiyar, Attorney at Law, on behalf
of the Valluvar Amindan & Raj. Rangappa
Appa Rao son hadur of Nuzvid, ~~requesting~~
~~that the~~
Submitting for the ~~order of~~ ~~this~~ consideration
of the Legislative Council certain suggestions the
with reference to _____

BACK PAPERS.

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

FURTHER PAPERS.

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[L. 16]
250-25-11-06.

Legislative (1897) Department.

CURRENT No. 92

V.E

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From Mr R. P. Subramanya
Syr
Attorney at Law

Order No 35 Legislative of 5 April 1897
Ps.

Communicated to the Legislative
Council

No.

Dated 5/4

Received 5/4

Registered 5/4

Enclosures -

Spare copies -

To the Honble members of the Legislative
Council

Forwarded
9/4/97

SUBJECT.

Requesting on behalf
of Raja Rangayappa Row
Bahadur of Mugod & the
Zemindar of Vallur to lay
certain facts for the consideration
of the Hon members
of the Leg Council in connection
with the Bill to amend
Madras Act VIII of 1865.

telegram

BACK PAPERS.

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G.O.	No.	Department.	Date.

[75 A.]
300-8 3-17.

Mylapore.
5 April 1897.

To
The Secretary to Government,
Legislative Department,
Fort. St. George.

On behalf of Raja Rangayappa Row Bahadur of Nuzvid and the Zamindar of Valthur I beg to request you will be so good as to lay the following for the consideration of the Right Honourable the ~~Government~~ and the Honourable members of the Legislative Council in connection with the Bill to amend Madras Act VIII of 1865.

The zamindars I represent have already submitted to Government telegram praying that the Bill now before the Council be passed into law at an early date. It is their conviction, as well as the conviction of other zamindars in the Northern Circars that the proposals now made are, as stated in the telegram,

Leg No 355-94/97

Has been
referred to
the
Legislative
Council
for
consideration
on
10/4/97

RECEIVED
LEGISLATIVE
DEPARTMENT
5-APR-1897

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telegrams, evidently calculated to
bring about good feeling and har-
mony between the zamindars and
their tenants. It may not general-
ly be known that at present
the relations between the landlords
and the tenant are anything
but satisfactory. I speak from
knowledge derived from my pro-
fessional experience of the enorm-
ous litigation between the parties
within the last six or seven years.
This undesirable state of things
has been brought about by the
action of the Revenue and civil
courts in dealing with disputes
between the landlords & tenants
and by their contradictory inter-
pretations of some of the provisions
of the Rent Act. In the estate
of Raja Rangayappa Row alone
over 5000 suits have been in-
stituted in the courts within
the last six years and over
three-fourths of these suits were
carried

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[75 A.]
carried from the lowest court to
the highest court of appeal. I
believe that in the estates of Chel-
lapalli and Valher also there has
been litigation on a large scale
within the last few years. I am
not able to give the exact numbers.
During all these years where the
ryots and the landlords have been
disputing in the courts, each and
every step, the peishush due to
Government from these zamindars
has been levied without regard to
the fact that the zamindars have
not been able to realize any
substantial portion of the rents due
to them from the tenants. Sections
7 & 87 of Act VIII of 1865 permit land-
lords to go to civil courts for
recovery of arrears of rent after
tendering patta without taking pro-
ceedings under the Rent Recovery
Act to enforce acceptance of patta.
But the result of past years in
suits

suits so brought in the honest conviction
that the patta so tendered were such
as the tenants were bound to ac-
cept, has been that a great many
of these suits have been thrown
out and the rents entirely forfeited
by reason that the tenant is able
to persuade the civil courts that
there is some flaw or other in the
patta tendered, no matter how
unsubstantial and immaterial the
flaw might be. It has been sug-
gested that a cautious landlord
ought to take the precaution of
getting it declared first by the
Revenue courts that the patta he
tenders is a proper one and then
sue the tenants for the recovery
of the rent. It is forgotten that
such a course will multiply
litigation and increase the cost
which may fall heavily upon the
tenants. In the estate of Raja
Rangayappa Row this course was
tried

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tried with the result that the te-
nants were able to prolong the will
litigation for over three years so as principals,
to successfully resist the claim of of a
the Zamindar, even after final ad- v attention
judication of the matter on the lition
grounds that the claim was barred that
by limitation. The decision reported the
in J. L. R. 19 Madras p. 21. has prac-
tically placed the landlords at the id
mercy of the tenants by virtually being
holding out a premium to the a
tenants to set up all manner of
frivolous objections to the patta
with no other object than to carry on
the litigation from court to court
until the claim becomes
barred. Practically the present situ-
ation is this: if suits are filed
on a tendered patta, the land-
lord's right to recover the legitimate
rent due is denied because of
some trivial flaw or other which
the tenant is able to show in
the

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the patta tendered and afterwards the
zamindar is precluded from bringing
a suit under section 9 of the
Rent Recovery Act to have the patta
amended and to enforce accept-
ance of the amended patta, for
the period of limitation for such a
suit is one month from the
tender of the patta; but on the
other hand, if he resorts to the
Revenue courts in the first instance,
then the tenant is able to keep
the dispute alive for over three
years and the zamindar loses
the entire rent because the
subsequent suits are filed more
than three years after the
arrears accrued due notwith-
standing that such suits are
instituted the very day after the
passing of the final judgments
of the Revenue courts. The present
Bill provides, among other things,
a remedy for this great evil and
renders it possible for landlords
and

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and tenants to come to a better un-
derstanding and avoid the harassing
litigation which has in the past
tended to estrange the landlords
from the tenants. principals,
- of a
- attention
- lition

The Bill has been criticised, in
the Madras Mail, as being one-sided
and altogether in the interests of
the landlords under a total mis-
apprehension of facts. Is it solely
in the interests of the landlords, or
in the interests alike of landlords
and tenants, that litigation bet-
ween landlords and tenants
should be minimised and disputation
between them narrowed to the
best limits, that the tenants should
feel that the landlord is entitled
to the legitimate rent notwithstanding
any flaw he may be able to
detect in the patta, that the te-
nants should be in a position
to avert distraint by tendering under
a protest the amount claimed
with

with a right to recover it back
if the landlord is not able to sa-
tisfy the courts that the amount is
due by the tenant and that the
landlords should not have the
power under s. 10 of the Rent Re-
covery Act, to summarily eject
a tenant for not accepting the
patta tendered by him.

I have the honour to be,

Sir,

Your most obedient servant,

P. Subramanya Iyer
Attorney at Law

NOTE FOR THE SECRETARY,

The ordinary rule is that Govt. will
receive petitions only from principals,
addresses running in the name of a
vakil or agent will receive no attention
(Please see Rule IV of C. Petition
rules pub. a.p.).

In the present case we know that
the Agent represents them, as the
two zamindars have already telegraphed
that the Bill should be passed
into Law, & that a detailed
representation follows thro their
attorney Mr Subramania
Aiyar.

It is also a question whether
letter of the rule should be strictly
adhered to in matters of legislation
Under the Council Rules No 58, the
requisites are prescribed to bring
in a communication under the head 'petition'.
The present one does not satisfy
the requisites nos (2), (3) & (5).

May this petition however be printed
& communicated to the Legislative
Council.

M. S. 17

CRV
37/4/97

they in print.

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139

No

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STATEMENT WITH DITTO.

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For the Hon. Secy

Leve Dept

Papers

(No 8)

Relation to

A Bill further to amend

Madms Act 174 1865

10 no 35 Sept 25 April 1897

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