M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1134	Press ~~Mis.~~
15 16	
Dated 1 6	18 61.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 1st June 1861.

No. 15. Read the following Proceedings of the Board of Revenue, dated 28th May 1861, No. 2,689 :—

Read the following letter from H. A. BRETT, Esq., Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Salem, 23rd May 1861, No. 90.

SIR,

1. I have the honor to forward herewith the translations of a plaint and a petition filed by Plaintiffs, Oosman Saib and Adavola Saib, in the Moofty Sudder Amín's Court at Salem, in O. S. No. 226 of 1860, against Mr. H. G. Smith, Sub-Collector of Salem, and Bahoodeen Saib, with the draft of an answer preferred by Mr. Smith, and to request that the Government will permit the Sub-Collector to defend the case at the public expense.

2. The Sub-Collector has explained the facts of the case as follows :—

"One Saib Masood, residing in the Fort at Salem, raised a wall on the ground referred to in the plaint in the month of July 1859, with a view to build a house. On this, Bahoodeen Saib, the Defendant, preferred a complaint to the Police Amín of Salem, to the effect that Saib Masood above referred to, had raised a wall on a drain through which all the filthy water was conveyed out of the Defendant's house; and that the wall in question had obstructed the public entrance into his house. He also complained that the wall had blocked up the way to a public well situated on the ground in question. When this complaint was under investigation by the Police Amín of Salem, Bahoodeen Saib, the present Defendant, presented a complaint to me on the subject. I then inspected the spot in person and found that the ground belonged to the Government, and that Saib Masood had no right whatever to the ground. I also found that the erection of any kind of building on the spot would interfere with the convenience of the public, and especially those in the neighbourhood; and therefore, in addition to the fact of its being situated on Government ground, I came to the decision I passed on sanitary measures, which are so much needed in Salem."

3. It appears from the above statement that Mr. Smith refused to let the Plaintiffs build on the land in question on the ground that it formed part of the village Porumboke, and was so situated that no one could be permitted to build on it with due regard to the convenience of the people who have houses in the neighbourhood.

4. The time allowed for filing the answer in this case will expire on the 5th proximo.

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1. Ordered to be submitted to Government with the Board's recommendation, that the defence of the suit at the public cost be sanctioned, and that the Collector be authorized to file the proposed answer.

2. The time for putting in the defence expires on 5th June next. The Collector should have explained the delay that has occurred in applying for sanction, as the recess has allowed more than sufficient time for the purpose, which has been deferred till its expiration is close at hand.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 16. ORDER THEREON, 1st June 1861, No. 1,134.

1. The Government grant the permission sought, but consider that the defence should be limited to the first plea, viz., that the land in dispute is Government property, which it is presumed the Sub-Collector can duly prove. If the land is not Government property, the power of the Magistrate to prevent the owners building on it is at least doubtful, and it is unadvisable to urge such a plea.

2. The Board have properly animadverted on the delay which has occurred in submitting this case for orders.

(Signed) J. D. SIM,
Secretary to Government.

R. Department

No. 1134

Proceedings of the Madras Government
Under date the 14th June 1861.
Read the following Proc.
of the Board of Revenue

Submitting a letter from the Coll.r of Salem reporting on O.S. No. 226 of 1860 and recommending that the defence of the suit at the public cost be sanctioned

Here enter 28th May 1861 No. 2689

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L. H. S

13 Papers to the Bd of Rev. with 3 Encls Dupl. 1st

Civil regarding the Collr. of Salem.

Revenue 1861 Departt.
Pro: of Govt. for June

No. 1134.

Pro: of the Madras Govt.
Dt 1st July 1861.

From the Bd of Rev Dt 19th
Octo/61 C No 2526

Defence in O.S.
No 226 of 1860 sanctioned
to be made by the Sub
Collector of Salem at
Public cost as recommend-
ed by the Board.

No 1516-

Co 30 Mary Rd/Jan