

MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No. 1342

Press
~~Mis.~~

75-76

Dated 4. 7. 1861.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
4th July 1861.*

No. 75. Read the following Proceedings of the Board of Revenue, dated 1st July 1861,
No. 3,422 :—

Read the following letters from the Collector of Malabar, dated 29th April and 24th June 1861,
Nos. 92 and 135.

(In Cons., 6th May and 1st July 1861, Nos. 2,782 and 3,956.)

1. Ordered that the above correspondence be submitted to Government, with the Board's recommendation that the defence of the Suit to which it refers be sanctioned at the expense of Government. The time for filing the answer has been extended to 12th July instant.

2. As Mr. Grant appears to the Board to have missed the point in his proposed answer, the Board do not recommend that it be filed in its present shape.

3. The facts of the case are briefly as follow.

4. Somewhere, about thirty-three years ago, a small portion of an extensive tract of waste, which was assumed to be the Jenm property of a Dévastán in the Estate of the Vetutnad Rájá, was given on Cowle by Government to the father of the first and third Defendants in the Suit (the Collector being second Defendant), and in the Cowle the rights of the Jenm were expressly saved.

5. The Cowle itself is not forthcoming, and is probably in the hands of the Plaintiff the Zamorin, but Mr. Grant sends with his second letter translate of another Cowle for a portion of the same land granted in 1828, the terms of which are likely to be identical with those of the missing document, and in this Cowle the waste is expressly stated to "belong to the Truprangot Devasom."

6. The Vetutnad property escheated to Government on the failure of the family, and as on inquiry the Jenm of the land in question was found to have belonged to the late family and to be now the property of Government as their representative, the right in question was sold to the occupants under the Cowle.

7. The Zamorin now sues, as the representative of the Temple, and as being in that capacity the Jenm of the land, to oust the occupants and to cancel the Government sale.

8. Mr. Grant states that the Jenm right of Government can be proved by indisputable documentary evidence, and under these circumstances the Board would propose to plead in reply that the land in question was the Jenm property of the Vetutnad Rájá and not of the Truprangot Devasom, that Government have succeeded by escheat to the rights of the Vetutnad Rájá, and in the exercise of those rights have sold the Jenm to the Defendants 1 and 3, and that they therefore pray that the Suit of the (Zamorin) Plaintiff may be rejected with costs.

9. The burden of proof will then be thrown on the Plaintiff, and Mr. Grant will represent to the Court that the admission of the rights of the Dévastán in the Cowle was made in ignorance of the facts which further inquiry has shown to be as now stated, and that it cannot tell against Government in the face of the evidence to be adduced to the contrary.

10. The Board request immediate orders as there is barely time to communicate with the Collector.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 76. ORDER THEREON, 4th July 1861, No. 1,342.

1. The Governor in Council sanctions the defence of the Suit on behalf of Government in the manner proposed by the Board, but will decide when a copy of the decree is submitted, whether the costs, if any be adjudged against the Collector of Malabar, shall be borne by that Officer or by the Government.

2. The Estate termed Vetutnad is, the Governor in Council concludes, that hitherto known as Betutnad, if so, the change of spelling adopted by the Collector and the Board is objectionable.

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

Revenue Dept
No 1342

Proceedings of the Madras Government
Under date the 4th July 1861

Read the following Pages
of the Board of Revenue

(Here enter serial July 1861 No 3422)

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J.D.S.

14 Copies
To the Board of Revenue.
with 2 Encls.
Pp. 24

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*Surveys & the Colls
of Malabar*

*Received 1861. Sept 11th
of Govt for 2d 4th*

No 7342.

*Secy of the Malabar Govt
27th July 1861.*

*Secy of the Govt of Malabar
1862. 19/187 in*

No 75476.

*Containing the expenses
to be made in the manner
proposed by the Board
with the sum brought by
Government to Malabar
with regard to certain
property of a Demester
man with the estate of the
Rajah of Malabar
District of Malabar*