

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 70

Press
Mis.

136-137

Dated

10-1-1861.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
10th January 1861.*

No. 136. Read the following Proceedings of the Board of Revenue, dated 4th January 1861,
No. 17:—

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to W. HUDLESTON,
Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Sydapet,
24th December 1860, No. 514:—

SIR,

1. In submitting translation of a plaint filed in the Mufty Sudder Amín's Court at Chingle-
put in Suit No. 11 of 1860, by Subramaniya Mudali, merchant of Sydapet, against myself, the
late Tahsildár of Sydapet M. Swami Náyudu, Séshaiyar late Zilladar, and Rágava Pillai Curnum
for having in 1858 demolished a portion of his buildings, occupied by shops near the Bazar at
Sydapet, I beg to furnish a short narrative of the transaction upon which the action has been
brought, and to which the answer must be filed by the 18th proximo.

2. At the suggestion of the Acting Superintendent of Government Roads, the late

Memorandum.

*It is not clear how he could legally have proceeded
under this Act which is for the removal of
nuisances injurious to health, &c.*

Magistrate, Mr. Cochrane, issued a notice
under date the 28th March 1853, under the
Nuisance Act XXI of 1841, requiring the
Plaintiff and one Muniappa Chetti, to remove
their substantially built buildings, occupied
by shops within a month, to the extent of 7

and 6½ feet respectively, as the public road had been much encroached upon.

3. After some correspondence in the matter between the then Head of Police of the Táluq
and the Magistrate, this requirement was duly complied with by these parties, and the same
reported by the Head of Police, under date 19th May 1853. On a subsequent representation
that some further removal was requisite so as to correspond with the improvement already made,
Mr. Cochrane directed the removal of that portion also, which was likewise effected, as reported
by the Head of Police on the 12th August 1853.

4. Again in 1856, at the requisition of the District Engineer, who had undertaken the
formation of the road near the Bazar at Sydapet, and who considered it necessary that some
further portion of the buildings, occupied by the Plaintiff, Subramaniya Mudali, and Muniappa
Chetti, and one Púnjólai, should be removed for its enlargement, the Head of Police requested
the late Magistrate Mr. Shubrick, under date the 25th August 1856, to issue the requisite
orders on the subject. The Magistrate accordingly issued notices on the 28th July 1856,
requiring them to remove their buildings in 19 days, or within the 15th August following, in
the manner pointed out by the Engineer. Two of the parties obeyed the instructions, and the
District Engineer considered the portions removed by them sufficient, but the third party, the
Plaintiff, not having removed his buildings, the Head of Police reported, on the 12th September,
the same to the Magistrate, and requested permission for its immediate removal, the Engineer
having expressed his readiness to commence with his work at once.

5. On the same date the Magistrate issued the permission sought for. From that date, *i. e.*,
from the 12th September 1856 to the 20th January 1858, or for one year and three months,
nothing seems to have been done in the matter, as far as can be seen from the records of this
Office. But the Plaintiff states in his plaint that agreeably with the orders of the Collector and
the District Engineer, he had constructed a drain on the sides of the road at his own expense in
January 1858, which was approved of by the Engineer, and that he had also removed the
building as required, and that the Tahsildár had without bringing these facts to the Magistrate's
notice, obtained his orders for the removal of his buildings. This statement of the Plaintiff is
supported by the Endorsement of the District Engineer which is extracted here for the Board's
information.

Endorsement.

"The statement made by the man is correct. The drain was being built by the Petitioner
"at his own expense under the superintendence of one of my people, when the Tahsildár inter-
"fered and stopped the work, removing my works (? marks); I am unable to depute any one to
"look after the work, and decline having anything further to do with this private work."—13th
March 1858.

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6. On the 20th January 1858, Swami Náyudu without any requisition from the Engineer, or without any apparent necessity, reported to the Magistrate, Mr. Shubrick, in contravention of all the past records of the case, that none of the shopkeepers who were required both by the late Magistrate Mr. Cochrane and by Mr. Shubrick himself to remove their buildings, had obeyed the instructions, and that the late Head of Police had done nothing in carrying out the orders, and requested permission for the removal of the buildings of the Plaintiff in the first instance, promising to report about the removal of the others, and at the same time suggested the expediency of fining the Plaintiff for disobedience of orders.

7. On the 25th January 1858, Mr. Shubrick fined the Plaintiff in the sum of 10 Rupees, and ordered the removal of his buildings according to the limits originally laid down by the Engineer.

8. On the 3rd February 1858, the Head of Police, Swami Náyudu, reported that he had removed the building in question, and requested the payment of the charges attendant thereon, viz., Rupees 12-15-0, out of sale proceeds of the materials. On the 9th February 1858, the Magistrate issued an order for the sale.

9. On the 23rd March 1858, the Head of Police reported that he sold only three beams which realized 14 Rupees, out of which having disbursed Rupees 12-15-0 in hire for pulling down the building, &c., and 10 Annas in commission for conducting the sale, the residue, Annas 7, and the remaining materials were offered to the Plaintiff, which he refused to take charge of.

10. On the 26th March 1858, the Head of Police was required to intimate to the Plaintiff that if he did not take charge of the surplus money and the remaining materials within a given time, the latter would be sold, and the sale proceeds together with the above surplus held in deposit. The materials were subsequently sold to the value of Rupees 148-6-0, and the money is held in deposit together with the 7 Annas the surplus out of a former sale.

11. It appears to me that under this history of the case, the conduct of the 2nd Defendant cannot be justified as, by making an incorrect representation of the facts, he induced the late Magistrate to issue an order, which was beyond the requirements of public convenience, and which imposed a heavy pecuniary loss upon the Plaintiff.

12. The Government cannot in my opinion defend the conduct of their Officers on this occasion. Mr. Shubrick being in England, it will be sufficient, I think, if I answer that I am not responsible for the acts of my predecessor, and if I leave the 2nd Defendant to his own defence.

13. I may request also that my name and those of the 3rd and 4th Defendants might be struck out of the list of the Defendants, as the two last acted under the orders of their superior, the 2nd Defendant.

14. If this course is approved, I will so instruct the Government Vakíl.

PLAINT filed in the Mufti Sudder Amín's Court at Chingleput by Court Vakíl Sundara Mudali on behalf of Subramaniya Mudaliyár, son of Tirumalai Mudaliyárs a merchant by profession, and residing at Karanai in Sydapet Tálúq, against B. Cunliffe, Esq., Collector of Madras 1, Swami Náyudu now the Tahsildár of Oottaramullúr Tálúq 2, Séshaiyar the late Zilladar residing at Sydapet 3, and Rágava Pillai the Curnum 4.

1st. The Plaintiff constructed a large charity Chuttrum and several shops on both sides in the bazar street proceeding from east to west in Karanai, a village of Sydapet Tálúq, which continue in his possession to this day. All these shops, with the pieces of ground on which they are built, belong to the Plaintiff.

2nd. In accordance with the orders of the Collector and Captain Moberly, the District Engineer, the Plaintiff constructed a water-course at his own expense in January 1858, on the southern side of the said bazar street in the presence of the members of the Public Works Department. The District Engineer having seen the work approved of it, and permitted the Plaintiff to construct another of a similar nature on the northern side. While the Plaintiff was going on with this work the 2nd Defendant wrote an Arzi to the Collector Mr. Shubrick, on the 20th January 1858, stating that the Plaintiff did not pull down, as he was directed by the

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late Collector, some parts in the front of his shops and include the land in the road, and that the order should now be enforced and the Plaintiff fined. The order of the Collector alluded to had been already executed, and the 2nd Defendant wrote a false Arzi as if it had not been executed.

3rd. Mr. Shubrick believing it to be true permitted the 2nd Defendant on the 25th idem to act as requested in his Arzi. The latter accordingly pulled down on the 28th idem by the assistance of the 3rd and 4th Defendants, a Talvaram (verandah) 52 feet long from east to west and 9 feet broad situated as the Plaintiff's land in front of his shops to the east of the Chuttrum on the northern side; another verandah, 78 feet long from east to west, and 9 feet broad to the west of the Chuttrum situated also in front of his shops; a Koradu (low pial) to the south of the above and to the east and west of the Choultry 264 feet long and 2 feet broad, and a water-course to the south of the above, 144 feet long east to west and 3 feet broad, built by the Plaintiff; and cut down the Margosa trees planted by the Plaintiff opposite to the Chuttrum for the purposes of shelter to passers by and bullocks, and received a fine of Rupees 10 from the Plaintiff. A part of the materials, viz., bricks, tiles, wood, &c., of the demolished buildings was disposed of by the 2nd Defendant at his discretion and the remainder is thrown away in the streets. All these proceedings are far from being just.

4th. In February 1858, the District Engineer gave an endorsement to the Plaintiff approving of the Plaintiff's works along the road. The Plaintiff gave about 10 Arzis in 1858 to Mr. Shubrick enclosing a copy of the District Engineer's endorsement and stating all the above particulars, but received no answer to this date. I, therefore, request that Rupees 1,049-7-3, being the loss sustained by the Plaintiff as detailed below in consequence of the demolition of the frontier verandahs, Koradu and water-course built by him on his own land valued at Rupees 10, together with Rupees 10 being the fine collected from him contrary to regulations, should be made good to him from the Defendants, and that the Plaintiff may be allowed to build, as he did on the land alluded to, the verandahs, Koradu and the water-course and to open his shops.

This plaint having been in the first instance filed in the Principal Sudder Amín's Court, it was returned, according to the orders of the Sudder Court, with directions to file it in this Court.

Particulars.

Value of the Plaintiff's land on which the following buildings were constructed:—

A verandah 52 feet from east to west and 9 feet broad, to the east of the Chuttrum mentioned above and in front of the Plaintiff's shops. Another to the west of the Chuttrum 78 feet from east to west and 9 feet in breadth, also in front of the Plaintiff's shops: and a Koradu (a low pial) to the south of the above and to the east and west of the Choultry 264 feet long and 2 feet broad Rupees 10, value of the materials of the verandah removed (viz., the roof, the Palmirah and Teak keepers, tiles, flat tiles, chunam, layers, rafter nails, reeper nails, including the hire, the length being 130 feet, breadth 12, and the square contents 1,565 or 15½ squared) is at the rate of Rupees 17-8-0 per square Rs. 273 3 0
For closing spandrils 130 feet at the rate of 1 Anna 6 Pice per foot... .. „ 12 3 0
Value of 20 blackwood pillars including caps at Rupees 3-8-0 per pillar „ 70 0 0
Value of 38 cubic feet of Bressummer 130 feet long, 7 inches broad, and 6 inches thick, including the Carpenter's and Sawyer's hire at the rate of 2 Rupees per cubic foot... .. „ 76 0 0
Cut stones for the borders of Koradu (a low pial) 394 feet long at 3 Annas per foot „ 73 14 0
Value of 43 rafters damaged by rain consequent upon the removal of the verandah at 14 Annas per rafter... .. „ 37 10 0
Loss which would be incurred in replacing the above by other rafters as the roof must be uncovered, for 13½ squares at Rupees 4-1-0 per square. „ 55 3 9
Value of bricks, chunam and building hire for 324 cubic feet of a water-course 72 feet long, 3 feet broad, and 1½ feet high to the east of the Choultry, and for 162 cubic feet of do. 72 feet long, 1½ feet broad, and 12 feet high to the west of the Choultry at the rate of 1 Anna and 9 Pice per cubic foot... .. „ 53 2 6

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Value of bricks, chunam and building hire for 1,056 cubic feet of a Koradu 264 feet long, 2 feet wide, and 2 feet high, built on the northern side at 1 Anna and 9 Pice per cubic foot	115 8 0
Value of bricks, clay and building hire for 223 cubic feet of a cross wall to the verandah 18 feet long, 1½ feet wide, and 8½ feet high at Anna 1, Pie 3, per cubic foot... ..	17 6 9
Value of bricks, clay and building hire for flooring 325 cubic feet, 130 feet long, 1 foot broad, and 2½ feet high, at Anna 1, Pie 3 per cubic foot... ..	25 6 3
For plastering with chunam 432 square feet of the water course 72 feet long, and 6 feet wide; 306 square feet of the cross wall to the verandah 18 feet broad, and 17 feet high; and 325 square feet of the front wall of the verandah 138 feet long, and 2½ feet high, amounting on the whole to 1,063 square feet or 10½ squares at 2 Rupees per square... ..	21 4 0
Value of brick jelly for 1,170 cubic feet or 11½ squares in the verandah 130 feet long, 9 feet wide, and half a foot high, including that of chunam and jelly hire at the rate of Rupees 4-8-0 per square... ..	52 14 0
Value of 25,000 bricks gathered by the Plaintiff for constructing the water-course, being the loss sustained at the rate of 1,000 per pagoda... ..	87 8 0
Bandy hire for the above bricks... ..	7 12 0
Sundries for scaffolding, &c., at 5 per cent... ..	53 0 0
Value of 5 Margosa trees at Rupees 3-8 per tree... ..	17 8 0
Fine imposed on the Plaintiff... ..	10 0 0
Total Rupees...	1,069 7 3

29th August 1860.

(Signed) SUNDRA MUDALI,

Filed 15th September 1860, No. 11.

Court Vakil.

(Signed) Mufti Sudder Amin.

(True Translation.)

(Signed) B. CUNLIFFE, Collector.

1. Ordered to be submitted to Government, with the Board's recommendation that the Collector be authorized to adopt the course proposed in paragraph 12, leaving the 2nd Defendant to defend the Suit at his own cost, the injury sustained by Plaintiff having been, so far as the Board can judge, entirely caused by the 2nd Defendant's misrepresentations to the late Magistrate, Mr. Shubrick.

2. The Collector will report whether any notice was taken by the late Magistrate of the conduct of Swami Nayudu as set forth in paragraph 5 of this letter, and if not, whether any reason can be assigned for such behaviour having been overlooked.

(True Copies and Extract.)

(Signed) W. HUDLESTON, Acting Secretary.

No. 137.

ORDER THEREON, 10th January 1861, No. 70.

1. The Government approve of the course proposed to be adopted by the Collector and the Board.

2. The Tahsildar's conduct requires to be strictly investigated, irrespective of any notice which the Magistrate may have taken of it. The non-discovery of the Tahsildar's misrepresentations in the Magistrate's office by reference to the previous records and the disregard of Plaintiff's numerous petitions should also be carefully inquired into.

(Signed) J. D. SIM,

Acting Secretary to Government.

For such behaviour having been overlooked.

(A True Copy and Extract)

L. Hudson
Acting Secretary.

To J. D. Sim Esq.
Acting Secretary to Govt.
Revenue Department.

This suit is brought against the Collector - Tahsildar / Sawary Nairaf & 2 other persons for Rs 1069-7-3 the value of the certain buildings removed by the Officer of Govt. and a fine imposed on them for alleged encroachment.

The removal of the buildings seems to have been ordered with a view to widen & improve a public road. The fresh proceedings here taken by the late Mr. Cochran under Act XXI of 1841, which applies if, as seems to be the case, the buildings here "unlawful obstructions" the parties concerned knew as.

L. Hudson proceeded in his breaking & that part of the present misrepresentation.

N^o 7a

Read the following
Proceedings of the Board
of Revenue -

Submitting a letter
from the Collector of Madras
reporting the institution of S.
N. of 1860 in the Moofly Sudr
Amicus Court at Chingleput. (Here enter 11 "Sany 64 S. 17")
against the Collector and others
and recommending that he
be authorized to adopt the
course proposed in para 12,
leaving the 2^d Defendant to de-
fend the suit at his own cost.

The Government approve of the course proposed to be adopted by the Collector and the Board. The Tahsildars conduct requires to be strictly investigated, irrespective of any notice which the Magistrate may have taken of it. The nondiscovery of the Tahsildars misrepresentation

Don of the A^d of the 14th
June 1861 C. St. J. D. and R.
29. Aug. 1861

No 136.

Nov. 1851. *Edinburgh*
 Sent to the Librarian
 of the B. M. for the 39th
 Vol. 1/61

Proceedings of the
 Board of Revenue)

Feb 25th 1881
Page 354
Edw. J. Edwards

No. 70-10. January

submitting a letter from the
Collector of Madras regarding
the institution of O. S. N. 119380
in the Sheriff's Court. There is
Court at Bangalore against
the Collector & there and
he commending that he be
authorized to adopt the course
proposed in para 12, leaving
the 2nd Defendant to stop and
the suit at his own cost.

needs no notice now. Every thing in fact
seems to have been done or to have been
in progress when the Zaisildar Sawney
Naidoo gratuitously interfered - represented
that nothing had been done - & obtained
an order for removing the buildings & firing
etc. The Col. proposes to disavow the
orders of Mr. Shubrick passed on the Zai-
sildar's misrepresentation, and to blame the
Zaisildar & defend his conduct as he
best can. This seems the correct course.

The Zaboithais conduct in Mex.

Yes - the case being much reprehensible & being lying & so
is strange as the out seems to require strict investigation
place is so close to the office of the By the B^d. irrespective of any notice which
L^{ts}. who ought the M^g may have taken of it. The non-detection of the Exh^l d^r's
to have visited it.

The non-detection of the Exhilarant's mis-statements in the Waste Office by reference to the previous record seems also to merit investigation. See also the Report of Miss Peterson.

220

Mr. C. to Bagshaw Disp. 10
12 Med. Cases to do 10

The first of these is the
 fact that the majority of the
 population of the United States
 is now living in cities and
 towns. This is a result of
 the industrial revolution, which
 began in the late 18th century
 and continued through the 19th
 century. The industrial revolution
 was a period of rapid change
 in the way that goods were
 produced. It was a time when
 machines replaced hand labor, and
 factories replaced small workshops.
 As a result, more and more people
 were able to find work in cities
 and towns, and the population of
 these areas grew rapidly.

Suit against the Collr
of Madras

No 136 & 137

Revenue 1861/2 Sept 1861
Pay for duty.

No.

Pro: of the Madras Govt.
27th January/61.

Re: of the Madras Govt.
27th Jan 1861.

From 13th Jan 1861 to 27th Jan 1861
CR 357. (Copy to be made of the
in No. 137: 56th Jan 1861)

Approving of the
Commission proposed to be
adopted by the Collector
and the Board in Q. 27. No. 11
of 1860 in the capacity of
Auditor General's Court
at Chingleput.

Let
in the
order.
Sunk the
wholes in
Council

Recd. 27/1/61