M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 772 Press ~~Mis.~~

98-99

Dated 6-4- 1861.

Not to be folded or roughly handled

No. 98. Read the following Proceedings of the Board of Revenue, dated 5th April 1861, No. 1,740:—

Read letter from the Collector of South Canara, dated 20th March 1861, No. 39.

(In Cons. 27th March 1861, No. 1,932.)

O. S. No. 45 *of* 1861.
District Munsiff's Court of Mangalore.
Plaintiff Manjappa Shetti.
Versus.
Defendants 1. *The Collector of South Canara.*
2. *The Roman Catholic Bishop of Mangalore.*

1. The Collector of South Canara reports the institution of a Suit against him and the Roman Catholic Bishop of Mangalore for the recovery of a piece of ground and its mesne profits, and requests permission to defend it at the public expense.

2. The case as stated by the Collector is as follows: In 1843 a portion of Plaintiff's "Kumaki"* ground was taken up for public purposes and an equivalent was ordered to be given to him from an adjoining plot of Government land. Plaintiff, however, wanted the whole of this plot, but his request was refused as unreasonable. In 1853 by a mistake the whole of the plot was made over to the Roman Catholic Bishop (second Defendant) for building purposes, and in the following year Plantiff brought a suit to recover the whole of it. This suit was defended under the sanction of Government. Its result (of which the Board cannot at present trace any official report) is now said to have been favorable to Plaintiff, so far as that an equivalent, for the land taken up, should be given to him. Plaintiff refused to receive any land but that originally ordered to be given to him and in 1860, applied for execution of the decree. The Sub Court, however, declined to grant this, otherwise than by placing the Plaintiff in possession of the land offered by the Collector and the Civil Court upheld this order, which under Act VIII of 1859, is now final.

* *Waste land attached to an estate, and to the leaves and grass on which the proprietor has a right free of charge. The land itself is liable to assessment if cultivated or otherwise made use of.*

G. O. 21st *September* 1854, *No.* 1,126, *Revenue Department.*
In Cons. 25*th September* 1854.

Section 364.

3. The present suit is for the land originally sued for and the Collector proposes to meet it by pleading that the matter at issue has been finally adjudicated.

4. The time for filing the answer expires on the 15th instant.

5. The Board have prepared a draft answer which they think will meet the plaint more fully than the Collector's draft and recommend that he be authorized to file it.

6. The Collector will forward copy of the original decree and also of the order of the Sub-Judge, dated 29th May 1860, and of the Proceedings of the Civil Court, dated 1st November 1860. He will also explain why the result of the suit was not reported and will in future be careful to give the dates of previous correspondence on subjects under consideration.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 99. ORDER THEREON, 6th April 1861, No. 772.

1. The Honorable the Governor in Council sanctions the defence in the first instance at the public expense, of O. S. No. 45, of 1861, instituted against the Collector of South Canara and another, in the Court of the District Munsiff of Mangalore, by one Manjappa

Shetti; but he will determine when a copy of the Decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that Officer, or by the Government.

2. The draft answer prepared by the Board of Revenue should be filed.

3. The Government approve the Board's remarks and orders in paragraph 6 of the Proceedings above recorded, which should be carefully attended to by the Collector.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Draft answer proposed by the Board.

The land claimed by the Defendant being in the possession of another party, built upon and otherwise improved, tender of a Suitable equivalent was made to Deft, and on the question being brought before the Courts by the Defendant suing out execution of the Decree in O. S. No. 22 of 1854 on the file of the Sub Court of Mangalore, the Courts decided that he could not be placed in possession of the land sued for and that the equivalent tendered was just and sufficient and that the said order of the Civil Court in appeal is final under act VIII of 1859: Consequently no further action can be brought regarding the said land.

2. The Collector therefore requests that this Suit be dismissed with all costs.

3. The 1st Defendant is still prepared to grant Plaintiff an equitable equivalent in land

J D Sim
Secretary.

C. G. M.

Rev Dept

No 772

Proceedings of the Madras Government
Under date the 6 April 1861
Read the following
Ross: of the Board of Revenue

Submitting letter from Coll. of S. Ca-
nara reporting institution of a
suit against him and the Roman
Catholic Bishop of Mangalore for re-
-covery of a piece of ground and its
mesne profits, and requesting per-
-mission to defend it at public ex-
-pense and recommending that he
be authorized to file an answer
prepared by the Board -

(Here enter S. G. O. 6th April 1861 No 1740)

To the G
in Council sanctions the defence
in the first instance at
the public expense, of O.S.
No 15 of 1861 instituted against
the Collector of South Canara
and another, in the Court of
the District Munsiff of
Mangalore by one Manjappa
Shetti; but he will determine
when a copy of the decree
is submitted, whether the
costs, if any be adjudged
against

1861 Department

Proceedings in Proceedings
of the Board of Revenue
to the Secretary to Govern-
ment R. D. dated 5th
April 1861. No 1740.

R. No 832/61.

Draft recommended
for adoption by the Board.

S. Hudleston
8. April 61

Read 8-4-61

against the Collector
shall be borne by that
Officer, or by the Govt
2. The draft answer
prepared by the Board of
Rev should be filed.
3. The Govt approve
the Board's remarks and
views in para 6 of the
Proceedings above recorded.
This
They should be carefully
attended to by the Collector.

C. Elliot
Secy to Govt

No. 1
Board of Rev with Govt Order Dispt 6th
13th Octr to do 18th

Suit against the Collector of South Canara

5-6
21-9-54

Revenue 1861 Departt.
Gro: of Govt. for April.

No. 772.

Gro: of the Madras
Government.

Dy 6th April 1861.

Sanctioning the
Defence at the public ex-
pense the O. S. No 45 of 1861
against the Collr of S. Canara
and another in the Distt.
Munsiffs Court at Mangalore.

No 98 & 99.

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