M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 816 — Press / Mis.

189-190

Dated 11 — 4 — 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 11th April 1861.

No. 189. Read the following Proceedings of the Board of Revenue, dated 6th April 1861, No. 1,759:—

Read letter from the Collector of Trichinopoly, dated 22nd March 1861, No. 41.

(In Cons. 25th March 1861, No. 18,781.)

O. S. No. 11 of 1860, Mufti Sudder Amín's Court.
Plaintiffs.—1. Mootamopen.
2. Nullamopen.
Versus.
Defendants.—1. Chedumbra Gownden.
2. Soondara Pillay, Deputy Collector.
Board's Proceedings 2nd October 1860, No. 4,479.
G. O. 5th October 1860, R. D., No. 1,805.
In Cons. 6th October 1860, No. 5,058.

1. The Collector of Trichinopoly reports that the decision in O. S. No. 11 of 1860, has been adverse to Government and requests permission to appeal against it.

2. The Plaintiff in the original Suit sued to recover certain unirrigated land which Second defendant, the Deputy Collector in charge of the Táluq, had made over to first defendant.

3. The defence on behalf of Government was that plaintiffs had forfeited all right to the land by leaving it waste for eleven years paying no assessment meanwhile.

4. The Sudder Amín's decision is based on the decree of the Sudder Adálat in A. S. No. 139 of 1858, wherein it was ruled that a Collector was bound to allow the "ancient occupant" of any land the option of cultivating it or to obtain his consent before assigning it to others. In the case wherein the decision was passed the land at issue had been left waste for twelve or thirteen years.

5. Government were not parties to their Suit nor are the Board aware whence the doctrine of the Sudder was derived.

6. The point is one of importance, as affecting not only the Revenue of Government, but the rights and interests of the public. Fortunately in a later decree (A. S. No. 101 of 1860) the Sudder Court have set aside the ruling above noticed and decided that it is discretional with a Collector to grant land so abandoned to others. The Mufti Sudder Amín was probably not aware of the latter decision, when he passed his Decree, which moreover is opposed to the Hukomnamahs of Fasli 1263 (A. D. 1853-54) whereby two years is the limit to claims to lands left waste. By the later Orders of Government non-payment of assessment under circumstances not giving claim to remission is declared to void all title to the land.

7. The Board concur with the Acting Collector that an appeal should be preferred, but have in some respects modified his draft.

8. The time for appealing expires on the 30th instant.

(A true Extract.)

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

No. 190. ORDER THEREON, 11th April 1861, No. 816.

The Governor in Council sanction the filing of an appeal from the decree of the Mufti Sudder Amín in the case referred to.

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

Extract from the Cultivation & Settlement Dookummanah for Fusly 1263 forwarded by the Collector of Trichinopoly to the Board of Revenue dated 12th. September 1853. No. 90.—

× × ×

19 Should a Ryot fail to Cultivate his land for two years consecutively, he will forfeit all his right to the land agreeably to the 28th. Para of the former Dookdommanah and another will be allowed to Cultivate the same on Purchase all wet lands irrigated by the Cavery and Coleroon and which are the private property of the Ryots, shall not be allowed to lie waste for more than two years. In such case either the Teerwah due on the land will be demanded, or it will be made over to another person.—

/True Extract/

Secretary

waste - By the later orders of Government non-payment of assessment under circumstances not giving claim to remission is declared to void all title to the land.-

7. The Board concur with the Ag. Collector that an appeal should be preferred but have in some respects modified his draft.-

8. The time for appealing expires on the 30th. instant.-

/ A true Extract /

J. D. Bourdillon
Secretary

To
J. D. Bourdillon Esq.
Secretary to Government
Revenue Department.

Extract from the Collectorate Letter Book Mofussil Summary Suits 1203 forwarded by the Collector of Chingleput to the Board of Revenue Sitting 12 Oct. 1853 A.D. 1790.

A 843/17

Extract in the Board's Proceedings & the Secretary's Letter dated 5th April 1859. No. 1/59.

261-681 of 1790

Board's Proceedings 8th April 1859

R 5 October 1860 S. No. 108-109

Revenue 1861 Octr.
Rec'd of Govt. Dept. No 643 Subl.
Proceedings of the Board of Revenue.

Dated 6th
Dep'd 6th
Rec'd 8th
April 1861.

Encs. 1 Ol. letter.
Encn 4.

21 1759

Rec'd of the Bd of Rev. 25 Aug. 1861
No 2085 Subl. 3 Sept. 61
No 1754.

Submitting with the Board's concurrence, a letter from the Collector of Trichinopoly requesting permission to appeal against the decision in O.S. No. 11 of 1860 in the Mufty Sudr Amins Court, which is adverse to Government.

Pp 189 & 190.

We the answer
No. 816. 11th April.

Cn 9th April R 11

No. 816.

The Govt. in Council sanction the filing of an appeal from the decree of the Mufty Sudr Amin in the case referred to.

Fort St George
11th April 1861.

12 Copies to the Bd of Rev. with Proc. Dispn 11