

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	841	Press
		~~Mis.~~
	267. 268	
Dated	24-4-1865.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th April 1865.*

No. 267. Read the following Proceedings of the Board of Revenue, dated 6th April 1865, No. 1,873.

Read the following Proceedings of the Madras Government, dated 16th March 1865, No. 568, Revenue Department :—

ABSTRACT.—Requesting the Board to re-consider their decision on the claim of Petitioner in No. 2,972 of 1863, to certain land in Madura District.

1. In the foregoing Order of Government, the Board are called upon to re-consider the decision passed by them in Proceedings, dated 13th January 1864, No. 202.

2. From the papers connected with the case, it appears that certain land in the village of Ayan Pappacudy, Madura Talook, which had been used by Katian Ramaswami Koan and others for stacking straw, and as a threshing floor, was applied for on Durkhast by one Subbanavaiyan, and was made over to him by the Tahsildar after the usual inquiry, during the course of which the Curnum of the village omitted to bring to notice the fact of the previous occupation.

3. The Durkhastdar took possession of the land, cultivated it, and (apparently) raised a wall on it. On appeal, the Deputy Collector fined the Curnum for fraudulently concealing the real state of the case, and directed that as the Durkhastdar had cultivated the land, he should be left in possession for the current year, the Puttah for that period being prepared in his name, but that the following year the Puttah should be made out in the names of the Appellants, who were, on their part, required to make good to the Durkhastdar the cost of the wall.

4. The Collector, to whom an appeal was then made, reversed so much of his Deputy's decision as limited the continuance of the Puttah in the Durkhastdar's name to one year, and allowed him to retain the land altogether on the ground that the land was assessed at the Faisal, and that there was sufficient space close at hand set apart for a threshing floor.

5. The reason given by the Board for re-affirming the Deputy Collector's decision, was stated to be that Petitioners should not suffer in consequence of the Curnum having failed to bring their claims before the Tahsildar. The Board considered that the Petitioners being in occupation had a preferential claim, and should have been offered the first refusal.

6. The Board still think that their decision was correct. Through the neglect of the Revenue authorities, this piece of assessable land had been enjoyed without tax for a considerable period by certain parties. When another individual sought to get possession of it, the former occupants should have been allowed the option of retaining it on payment of assessment. The land was waste; the Durkhastdar had no special right to it; and under these circumstances the parties in possession had a claim to consideration.

No. 268. ORDER THEREON, 24th April 1865, No. 841.

Land Revenue.

The Government cannot concur in the Board's decision. The Petitioners, it is observed, occupied the land without authority, and defrauded the State of the assessment payable thereon. They have acquired no claim to the land, and the Collector's order assigning it to the Durkhastdar must be carried out.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Etd. S. T. Augustin.

involvement of national banks

B. Rev. of the April 1873

In these proceedings the Board
report their decision by which
land is taken from the pub-
lic domain to whom it has
been made over in darkness
regularly & is given to in de-
fendants who had used it pre-
viously without the know-
ledge of the authorities
without paying tax.

This decision seems to
be wrong in principle, inas-
much as it recognizes the
propriety of a little set-
tling a title to govt land
without application to

the authorities & without
payment of tax.

If it becomes a precedent
a man will only have
to mark a piece of ground
with a dung hill or straw
heap to warn off all
others. No one ^{else} will take
the trouble to apply for
it because, under the
Board's orders, preference
will be given to the
occupant. Thus the land
may be kept waste for
years until the owner of
the dungheap chooses

to begin to cultivate it
himself. Meanwhile he
will have had the use
of it as a place for keeping
fodder, rubbish or other waste
for nothing.

This is no mere hypo-
thesis. Similar cases have
often come under my
notice up country.

The darkhast rules
mention cases in which pre-
ference may be given
to men other than the
first applicant; but this
is not one of them.

Even if the tahsildar
at the time of objection -

sing of the durkhaat
 had been told that
 certain individuals
 had been using the
 ground & cheating
 out of the tax for
 years, it would be ought
 to have formed an ad-
 ditional motive for
 giving the land to the
 Durkhaat dar.

The Board are wrong; I am not
 the rule that "revenue" is
 to be a restriction, and assessment
 capital is an asset against the
 assessment. In this case, and in the
 assessment, it is an important one.

I do not see how the
 decision can be upheld.
 The "occupant" was a true
 possessor - and he possessed the
 State. I do not.

a. Words & I. If man is not to profit by his own wrong -
 it is under the law. & it is under the law. & it is under the law.
 confer no right.

13th April 1864.

No. 1,873.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th April 1865.

Read the following Proceedings of the Madras Government, dated 16th March 1865, No. 563, Revenue Department:—

ABSTRACT.—Requesting the Board to re-consider their decision on the claim of Petitioner in No. 2,972 of 1863, to certain land in Madura District.

1. In the foregoing Order of Government, the Board are called upon to re-consider the decision passed by them in Proceedings, dated 13th January 1864, No. 202.
2. From the papers connected with the case, it appears that certain land in the village of Ayan Pappacudy, Madura Taluk, which had been used by Katian Ramaswami Koan and others for stacking straw, and as a threshing floor, was applied for on Durkhaat by one Subbanayayan, and was made over to him by the Tahsildar after the usual inquiry, during the course of which the Curnum of the village omitted to bring to notice the fact of the previous occupation.
3. The Durkhaatdar took possession of the land, cultivated it, and (apparently) raised a wall on it. On appeal, the Deputy Collector fined the Curnum for fraudulently concealing the real state of the case, and directed that as the Durkhaatdar had cultivated the land, he should be left in possession for the current year, the Puttah for that period being prepared in his name, but that the following year the Puttah should be made out in the names of the Appellants, who were, on their part, required to make good to the Durkhaatdar the cost of the wall.
4. The Collector, to whom an appeal was then made, reversed so much of his Deputy's decision as limited the continuance of the Puttah in the Durkhaatdar's name to one year, and allowed him to retain the land altogether on the ground that the land was assessed at the Faisal, and that there was sufficient space close to the wall set apart for the building of a wall.
5. The reason given by the Board for re-affirming the Deputy Collector's decision, was stated to be that Petitioners should not suffer in consequence of the Curnum having failed to bring their claims before the Tahsildar. The Board considered that the Petitioners being in occupation had a preferential claim, and should have been offered the first refusal.
6. The Board still think that their decision was correct. Through the neglect of the Revenue authorities, this piece of assessable land had been enjoyed without tax for a considerable period by certain parties. When another individual sought to get possession of it, the former occupants should have been allowed the option of retaining it on payment of assessment. The land was waste; the Durkhaatdar had no special right to it; and under these circumstances the parties in possession had a claim to consideration.

(A true Extract.)


 Acting Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to V. H. Levinge, Esq., Collector of Madura,
with spare copy of Government Order.

Exd. J. Wright.

Q 16. March 1952 No. 248-257

New = 1867. Department.
 "Do, and last in 1867"

NO. 974-

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 6th April 1865.
~~2238-2~~
 223104.

NO 1,873.

Reviewing decision passed by Board on the claim of Petitioner in No 2972 of 1863 to certain land in the Village of Ayan Pappandry Madura District.

269-268

C13³ M42/65-R19

Ms. B. 1.6. v. 8, p. 74

The Govt cannot concern
in the Board's decision. The
Petitioners, it is observed, as-
signed the land without author-
ity and expended the whole
of the expenditure payable
thereon. They have acquired no
claim to the land, and the Govern-
ment assigning it to the donor has
been made carried out.

14 Box Dec 25
reference

Grand-Children {
24.04.1868