

(1) Number of pages 34 pages
 (2) Date of repair 5 9. 86 ?
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W. DEPARTMENT

G.O. No.	2831. W	Press.
B.P. No.		Mis.
Dated	30.9.1878	197.

P.B.
Not to be folded or roughly handled

3831

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

30th September 1878, No 3,331 W.

General
Establishment.

Read the following paper —

No 326 From G T WALCH, Esq, Acting District Engineer, Godavari, to the Chief Engineer, Public Works Department, dated Dowlastraum, 14th September 1878, No. 1,921

I HAVE the honor to bring to your notice that, as directed in G O, No. 389 W, of the 21st February 1878, a vakalatnama was given by my predecessor to Mr. Vanstavein, the Dumagudem Division Officer, to file a suit in the Court of the Tahsildar at Bhadrachalam against T Subbraaman, brother of the late Thimralappally Thattnah, for building a house on Public Works land at Dumagudem when ordered not to do so

2 This suit was accordingly filed, but the defendant having pleaded the value of the ground and house were above the amount the Court had power to investigate into, the suit was struck off the file of the Tahsildar's Court.

3 I referred the matter to the Collector, who was of opinion that the safest way, instead of appealing against the decision of the Tahsildar, would be to file a fresh suit in his Court I therefore request you will be good enough to

1 Copy of docket No 3,725, dated 6th March 1878, to Mr Vanstavein

1 Copy of Mr Vanstavein's letter No 127, of the 27th June 1878, with 4 enclosures.

1 Copy of letter No 1,229, of the 15th July 1878, to the Collector

1 Copy of letter No 107, of the 1st August 1878, from the Collector

obtain the sanction of Government for the filing of a fresh suit in the Collector's Court at Cocanada and for engaging the services of a Vakeel to draw out the necessary plaint

4. I herewith forward copies of correspondence, as detailed in the margin, that has taken place since the receipt of the order of Government above alluded to.

No 327. ORDER THEREON, 30th September 1878, No. 3,331 W.

MR WALCH'S proposal to file a fresh suit, and to obtain the services of a Pleader, are approved.

(True Extract)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt, P.W.D.

(True Copy)

Mr. A. R. E.,
Under Secy. to Govt, P.W.D.

To the District Engineer, Godavari
" Engineer of Public Works Accounts

Edw T. D. P. J.
Sd/-

No 3795.

From,

The Supr Engineer 3831
Godavari Dt

To,

The Officer in Charge
Dumaguian Division

Dated 6th

Sept 6th

} March 1878

District Eng^r Office endorsement No 3764
dated 4th March 1878 on Govt Order No 589
dated 21st February 1878.

Has the honor, in continuation of the
above, to forward herewith a Vakalatnama
(Power of Attorney) to enable him to appear
and act for the undersigned, in the matter
of the suit against Thoomalapilly Soobra-
manyam.

/Sd/ J Beatty Lt Col R.E.

Supr Engineer Godavari

(True Copy)

J.B.

For District Engineer Godavari

N^o. 127

Dumaguadem

27th June 1878

3831.

From,

The Executive Engineer
Dumaguadem Division

To

The District Engineer
Godavari.

Sir,

I have the honor to inform you that the case Government versus Thummalapilly Thathiah vide G.O. N^o. 6644889 W dated 29th August 1877 & 21st February 1878, came on for hearing on the 21st last.

2. I attended the Court in person as representative and authorized by Col Beatty R.E. Sup^r Eng^r. a counter Charge was put in by the dependant valuing the ground and house at a valuation precluding it from being tried in the Tahsildar's Court being over 100 Rupees.

3. In Sup^r Eng^r's letter N^o. 1675 dated 24th August 1877, I was instructed to try the

Case

and the same time made

case in the Tahsildar's Court and therefore only put a nominal value on the house and the book value on the land.

4. A copy of the charge handed into the Tahsildar is in your Office.

5. I told the Tahsildar that the value of the house was not the case in dispute that only a nominal value was put in by me that the ground was the part in dispute and on that I had put in the correct value and that the defendant has put in a value merely to swell the amount of the charge and to preclude it being tried in the Tahsildar's Court.

6. My remonstrance however was without effect and the Tahsildar told me that the value the defendant put on his house precluded him from trying the case.

7. I enclose copy of Colonel Reatty's letter in which he expected an adverse judgment and his determination to carry the case to a higher Court which I think should be done to settle the case once for all or else if left without settlement P.W. land will be appropriated in all directions.

8. I enclose copies of papers from the Tahsildar's Court.

I have seen
Signed/ J. Vanstaern
Ex Engineer Durnagudem.
(True Copy)


A.E. District Engineer Godavari

comd. 428.

was the last time made.

No 7 of 1878

Civil Court of the P. hadrachalam Taluk in
Plaintiff

J. Vanstamora Esq.	Defendants
Consentive Esq.	Samudra Pilli
(on behalf of Govt.)	Subbramaniam
inhabitant of Duvagudem	of Duvagudem

(1) The plaintiff brought the Complaint requesting to make over the land to him which is valued at Rs 5 & to remove the building thereon valued at Rs 95 which is in the possession & enjoyment of the defendant in Duvagudem.

(2) Value of the land Rs 187-8-0
Value of the building 326-14-6
513-12-0 } The defendant presented a statement

stating that the value of the building & the land amounted to Rs 513-12-0, & that the Court has no power to enquire into the case as this is in excess of the amount within which this Court has power to investigate Complaints.

(3) The plaintiff presented a deposition stating that it is true that the building is worth more than Rs 100.

4 Consequently the plaintiff was

that they pay no more nor yet
as the 1st time made

informed that the Court had so, however,
to enquire into the Cases, so the Case
was struck off the file of the Court 21st
June/93. Summagudom—

(2) K. Tunkatunaxama
Ag. Sahu Eldor

(True copy)

(s. l. W. Shaw. Executive Judge
for 4th District Judge.

Counted by
24

Let's not pay no dear nor

To

The Court of the Bhadrachalam in
Tahasil dar

1 Plaintiff Mr. J. Vanstaveren Executive Engineer
Bumagudew Division
1 Defendant S. Lakshmanan who
lives by Merchandise in habitant of Bumagudew.

Statement presented under section 110
of the Civil procedure Code.

The Plaintiff's request is to transfer to
him the land measuring 750 square
feet valued at Rs 5 & to remove the
building thereon worth Rs 95 which is
in the possession and enjoyment of the
defendant, and to recover the Costs in-
curred in the suit

The value put upon the land and
building is not correct. It was
purposely put so to have this Case tried
by this Court

The building on the land in dispute
is worth about Rs 32-6-4-0 as per the detailed
list enclosed and the land Rs 187-8-0
both of which amount to Rs 513-12-0. The
Complaint was written on a stamp paper

which may pay no near nor
was the Civil any time made

77, 53, 14

Rs 7-8-0 instead of on a stamp required for the above said amount. If the value of the land and building is estimated by any of the inhabitants of the village except the servants of the plaintiff the truth will be known. I therefore request you will be good enough to enquire into the matter & to order that this Complaint should be brought in the Court that has authority to try it & to order the plaintiff to pay to the defendant the Costs incurred on this account.

Other reasons to defend the suit are not stated here & they will be presented in the Court that has authority to try this Case.

20 June 1878

(Sd) S. Ramamurti Subramanyam's
Pleader Mark.

(Sd) K. Venkatarasanna
Acting Sahasildar

Copy applied for 24/6/78

Ordered 24/6/78

Ready for delivery 26/6/78

Delivered 26/6/78

Fee for writing Rs - 4 - 1
Copy 0 - 3 - 0

No

326-4-0

Ph.D.

The Court of the Sahasildar
of Bhadrachalam

Plaintiff Mr. Vansataram of Simgudem
Defendant S. Subramanyam of Simgudem

Rs	Value of the building	
326-4-0	Value of the building	See
24-0-0	Value of 4 Peak beams	
22-8-0	Do of 90 teak rafters at 0-4 each	the length
32-0-0	Do of 8 large roof beams under the beams at Rs 4 each	in st
16-0-0	Do Verandah posts 8 at Rs 2 each	in junction
14-0-0	Do Wall plates (including Verandah) 14 at Rs 1 each	in thick
5-8-0	Do Short posts 22 at Rs 0-4 each	in G.C.
25-0-0	Do Laga thatching	in color
18-0-0	Do Iron nails 4 1/2 Maunds at Rs 4 per Maund	in ted
65-0-0	Do of walls	
50	Value of raw bricks & rough stone on 3 sides	in killing
15	Do of walls of Jangh & teak rafters on the sides with Verandah	in der
11-12-0	Value of 47 planks of shop room at 0-4-0 each	
62-8-0	Do of 62 1/2 Cubic Yards of foundation built of Stone at Rs 1 for 4 ft being 2 feet high 22 1/2 feet broad 37 1/2 long	in 1/2
30-0-0	Do Doors and door frames	in 1/2
326-4-0		

That they pay no rent nor yet was the land at any time made

513-12-0

5a) P. Pannumty
Sleeder. 11/12
J. Subhramaniam

A. J. S. L. L.

(True copy) 10504/75

2/- For the land so occupied by
the aforementioned Shomalahilly
Subbaannam and the late Shomalahilly
Shathiah they pay no rent nor yet
waste it at any time on a des.

made over to them.

4/- On the site on which the new house was constructed by the aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah there stood an old house owned by the aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah.

4/- This house was in bad order and could have been repaired by the aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah.

5/- The old house was constructed with wattle and daub walls, thatched the new house constructed by the aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah is of similar construction.

6/- Instead of repairing the aforementioned Shoomalapilly Subramaniam

and his late brother Shoomalapilly Shaththiah entirely removed the old house and cleared the ground. 283)

7/- The aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah reoccupied the ground without first having obtained the sanction of the P.W. Officer and commenced the construction of a new house.

8/- On the morning of the 13th July/77 I visited the place where the new house was in course of construction by the aforementioned Shoomalapilly Subramaniam and his late brother Shoomalapilly Shaththiah found that during the night the wooden frame work of the house was put in and the wood work of the roof being put up.

9/- A Notice was sent to the late Shoomalapilly Shaththiah being the elder brother informing him that the construction of new house was prohibited.

10th - To this notice however no alteration was laid in the parties concerned the construction went on and the house was completed in a couple of days.

11th - The construction of the new house was illegal being contrary to orders of Govt who as owner of the land have full right to it and the act done by Shomalakilly Subramanian and the late Shomalakilly Shanthi constitutes a common law offence.

12th - The court is now requested on behalf of the Govt to order the removal of the house and all the materials used in the construction from the P.H. land and the payment of all expenses incurred in the prosecution.

13th - The following are the witnesses who saw the construction.
M. Ramaswamy, Accountant
Education Dept

(Signed) J. Vaustan
Executive Engineer
P.H.D. Demagudem
Prosecutor on account
of Government.

(True Copy) 30/11

Signature
Executive Engineer
Demagudem &c

1058/78
 1058/78
 1058/78

No. 1229

3831

FROM

The District
 THE CHIEF SUPERINTENDING ENGINEER

GODAVERY DISTRICT.

TO

THE COLLECTOR

Encls.

GODAVERY DISTRICT.

15th July 1878.

SIR,

With reference to the enclosed
 papers, which please return, I have the
 honor to request that you will be good
 enough to inform me of the proper way
 in which to press the suit of Govern-
 ment versus *Tammaipilly Subbramanyam*
 of *Dumayyasa*, whether by appealing to
 you against the *Tamildar's* dismissal of
 the case, or by instituting proceedings
 afresh in some superior Court.

I am compelled to ask your gui-
 dance in the case as I have had
 no experience in such matters and I
 have no copy of the Procedure or other
 Code from which to ascertain the
 proper

1058/78

proper course of action.

Shaveta ver

Signed G. S. Wale

Mr District Engineer

(True Copy)

For
Mr District Engineer

17th 1053/78

corrected by
10/10

Godavari District

Collector's Office

333, Bocoanada

1st August 1878

No 107

From

W. G. Foster Esquire

Collector

To

The Acting District Engineer
Dowlaispeta

Sir

Referring to your letter of the
15 ultimo No 1229, I have the honor to
state that an appeal lies to this Court, upon
the decision passed by the Tahsildar, but
in the present case, I think there would be
no use of appealing, as the original order
passed by the Tahsildar may very probably
be upheld by this Court.

2 But the safest way would be to file
a fresh suit before this Court and for this
it would be better to consult a vakil, to
draw out a plaint for you. I have not
given any fulltahs to any of the Vakeels
authorizing them to appear before my
Court, but I shall have no objection
to

ps to allow any of the Pleaders of the Rajahmundry District Court or some other authorized pleaders or one who has generally been practising, in my Court, to file the present plaint and prosecute the Cases.

3 The Case will then be tried afresh and a decree passed upon its merits

4 Please let me know if I have given in writing the opinion mentioned in your memorandum of August 24th 1877 to the Executive Engineer. It is wrong now, as you have since intimated their intention of deciding appeals from me themselves, not giving this power to the High Court.

I have the honor to be

Sir,

Your most obedient servant

(sd) W. P. Foster

Collector.

(True copy)

G. D. Brown, Executive Engineer
For Acting District Engineer.

NO. 1921

General.

FROM,

383)
42 District
THE CHIEF SUPERINTENDING ENGINEER
GODAVERY DISTRICT.

TO,

THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT
MADRAS

CAMP DOWLAISHRAM, 14th September 1878

SIR,

I have the honor to bring to your notice that as directed in G.O. 12889 W of the 21st February 1878, a Vakalatnama was given by my predecessor to Mr. Tanistavem, the L. Magistrate Division Officer to file a suit in the Court of the Tahsildar at Bhadrachalam against Subbramanyam brother of the late Theemalapathy Thattai for encroaching a house on P. W. land at L. Magistrate when ordered not to do so.

This suit was accordingly filed, but the Defendant having pleaded the value of the ground and house were above the amount, the Court has power to investigate into, the suit was struck off the file of the Tahsildar's Court.

I referred the matter to the Collector who

Enclosure in a letter
12/1921 dated 14th Sept 78
from the Acting District
Engineer Godavery

who was of opinion that the safest
way, instead of appealing against the
decision of the Juncular, would be to
give a fresh suit in his Court. I there-
fore, request you will be good enough
to obtain the sanction of Government for
the filing of a fresh suit in the Circuit
Court at Cocanada, and for engaging the
services of a Counsel to draw out the necessary
pleas.

I herewith forward Copies of corres-
pondence, as detailed in the margin, that
has taken place since the receipt of the
order of Government above alluded to.

I have the honor to be,

Sir,

Your Most Obedient Servant

C. J. Sewall

Att. Genl. U.S. & Canada

Go to 889w of 21 July 178
664w - 29 Aug 177
1307 - 26 May 176

FROM,

As District
THE OFFG. SUPERINTENDING ENGINEER

GODAVLY DISTRICT.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

MADRAS.

DATED *14th* September 1878.
RECEIVED

No 1921

ENCLOSURE *2*

Subrahmanyam P. of
Dumagudem. Suit against
Requesting permission to
file a suit afresh in the
Collector's Court of the Godavari
for reasons stated within

To Acty 21-9-78

Cir 23.6.78 Rd 30.9.78

No 3831w Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the 30 Sept 78

Read the following.

From,
The District Engineer
Godavary } (M.L. No 1921 of 14th Sept 78)

Mr. Malhotra's proposal
to file a fresh suit, and
to obtain the services
of a pleader, are
approved.

23/9

D. Godavary
Over S. to Acty } *in Sd 30/9*
14-10-78

21/9

to city 21-9-78

Cir 23-9-78 Rth 30-9-78

11-3-20/9

Cat. of 1878. 2nd ed.

PUBLIC WORKS

In

Date: _____

• 1242

510

L. 13

" " 30° S $\frac{1}{2}$ 1874, 20 38314

No. 926 2327

T. Subramaniam of Godavari
District

The filing of a writ
sued against — for building ^{up} ~~on~~
on Government ground,
Sanctioned

Subintgr.