

- (1) பக்கங்களின் எண்ணிக்கை 4
(2) புதுக்கித் திருப்பிய நாள் Manel 90
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/3

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	3155 W	அச்சகம் பலவகை
நாள் :	25. 11. 1890	198

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

3155
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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., dated 1st September 1890, No. 5393, Mis., Revenue:—

Read—petition from D. SANYASI RAZU of Doddipatla, Narsapur taluk, Godavari district, dated 24th July 1890.

ABSTRACT.—Requesting to forward to the Government of India his memorial against the order of the Madras Government in the matter of his claim to the karnam office of his village.

Order—dated 1st September 1890, No. 5393, Mis., Revenue.

Ordered that the petition be forwarded to the Government of India and that the petitioner be informed of its despatch.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Petitioner.

READ—again the following letter from the Secretary to the Government of Madras, Revenue Department, to the Secretary to the Government of India, Revenue and Agricultural Department, dated 1st September 1890, No. 5394:—

I am directed to forward, for the orders of the Government of India, the accompanying petition from one Sanyasi Razu of Doddipatla village in the Godavari district. The petitioner appeals against an order of this Government declining to revise a decision of the Board of Revenue in the matter of his claim to the karnam office of his village. Under Regulation VI of 1831, section 6, the decision of the Board of Revenue is declared final unless this Government chooses to revise it, but as the appeal is an appeal not against the decision itself, but against the refusal to revise, it cannot apparently be withheld under section III, rule 3 (8) of the Petition Rules.

2. The petitioner sued in 1888 to recover the karnam office of Doddipatla on the ground of superior mirasi right, but the Deputy Collector dismissed the suit as the respondent was clearly a mirasidar (i.e., had hereditary claims to the post) and had been in office for 14 years. The Collector and the Board confirmed this order and the petitioner then appealed to this Government. His Excellency in Council declined to interfere, intimating to the petitioner at the same time that it was open to him to urge his claims on the occurrence of the next vacancy. The petition addressed to the Government of India contains an appeal against this order, but I am to say that the Government of Madras has no recommendation to make in the petitioner's favour.

3. The petitioner alleges that the law of limitation does not apply to suits under Regulation VI of 1831, and this allegation is strictly speaking correct; but under Board's Standing Order 172, paragraph 7, a suitor is precluded from ousting a man who has held office continuously for the space of three calendar years. This rule, which has now been in force for many years, was passed to obviate the great administrative inconvenience caused by office holders of long standing and experience being ejected from their offices by reason of defective title.

READ—also the following letter from J. W. P. MUIR-MACKENZIE, Esq., C.S., Under Secretary to the Government of India, Revenue and Agricultural Department (Revenue), to the Secretary to the Government of Madras, Revenue Department, dated Simla, the 2nd October 1890, No. 1064-1—56R. :—

I am directed to acknowledge the receipt of your letter, No. 5394, dated the 1st ultimo, submitting a petition from one Sanyasi Razu of Doddipatla village, Godavari district, in which he appeals against the orders of the Government of Madras declining to revise a decision of the Board of Revenue relative to his claim to the karnam office of his village, and in reply to say that the Governor-General in Council will not interfere in behalf of the petitioner, who may be informed accordingly.

2. With reference to paragraph 1 of your letter, I am to add that memorials against refusals to review decisions declared by law to be final may be withheld by the local Government under section III, rule 3 (8) of the rules regarding the submission of memorials to the Government of India. That rule was framed partly to meet cases under Regulation VI of 1831 and similar enactments. A decision not to exercise a power of revision is certainly a decision, and where an enactment declares an order to be final subject only to a power of judicial revision reserved to Government, it follows that any order passed in revision must itself be final.

3. The accompaniments of the petition are returned.

ORDER—dated 30th October 1890, No. 850, Revenue.

Miscellaneous.

Recorded.

2. With reference to his petition to the Government of India, dated the 24th July last, D. Sanyasi Razu of the Godavari district is informed that that Government has declined to interfere on his behalf.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Petitioner (paragraph 2), with five enclosures.
Copy to the other Departments of the Secretariat.

Exd. A. Aubert.

80 Copies.

3155
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Gobt. of {1890} Madras.
REVENUE

Issued

Recd.

Encl.

G.O., 30th October 1890, No. 851.

OCTOBER.

Government of India Petition Rules.

Letter from the Government of India explaining the term "dispensatory discretion" used in section III, rule 3 (12) of the —, recorded.

No. 3155 Wd/25 Nov 1890

Recorded with reference
to G.O. No. 3492 Wd/7
Decr. 1889

(sd) J. H.
H.

C. E. for I
C. E. for Rys.
Hon P. W. Acet