

- (1) பக்கங்கலின் எண்ணிக்கை 12
- (2) புதுக்கித் திருப்பிய நாள் May 90
- (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/5

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண். 3155.W. அச்சகம் பலவகை

நாள் : 25.11.1890. 108

மடிக்கலோ கண்டயடி கையாளலோ கூடாது

30TH OCTOBER 1890, No. 850, REVENUE.

3155
1

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.

30TH OCTOBER 1890, No. 850, REVENUE.

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.)

W. P. Mackenzie
Secretary to Government.

To the Petitioner (paragraph 2), with five enclosures.

Copy to the other Departments of the Secretariat.

Public Works Dept

Exd. A. Aubert.

80 Copies.

455
2

1000

Govt. of (1890) Madras.

REVENUE

Issued

Recd.

Encl.

G.O., 30th October 1890, No. 850.

OCTOBER.

Government of India Petition Rules.

Letter from the Government of India stating that memorials against refusals to review decisions declared by law to be final may be withheld by the local Government under section III, rule 8 (8) of the —, recorded.

30TH OCTOBER 1890, No. 851, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., dated 7th August 1890, No. 4856, Mis., Revenue:—

Read—petition from SUBRAMANYA SOMAYAZULU, an Inamdar of Langamiswar village, Kúdligi taluk, Bellary district, dated 12th July 1890.

ABSTRACT.—Submitting, for transmission to the Government of India, a memorial praying for the refund of assessment collected on his inam lands.

Order—dated 7th August 1890, No. 4856, 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 7th August 1890, No. 4856-A.

I am directed to forward, for the orders of the Government of India, the accompanying petition from one Subramanya Somayazulu of the Bellary district. The petitioner appeals against an order of this Government, dated 14th January 1890, declining to comply with his request to be granted a refund of assessment collected on his inam lands.

2. The inam was attached in 1862, as the petitioner had failed to answer the usual notice to appear and file the required statement before the Inam Deputy Collector. It remained under attachment until 1865, when it was ordered to be fully assessed. No steps were taken by the petitioner to recover the inam until 1886, when he brought the matter forward. In the following year the Inam Commissioner issued a title-deed in favor of petitioner, on the ground that he had filed the necessary statement a few months prior to the issue of the order assessing the inam in full, and as the delay in filing his petition was said to have been due to his illness. The Commissioner, however, declined to allow any refund of the assessment collected on the inam before 1887, and the petitioner appealed to this Government against the said order. His Excellency the Governor in Council declined to interfere as he considered that sufficient indulgence had already been shown to petitioner by the enfranchisement of his inam. The petition, now forwarded, contains an appeal against this order, but I am to say that His Excellency the Governor in Council has no recommendation to make on petitioner's behalf.

3. I am further to state that, in the opinion of His Excellency the Governor in Council, the present matter is one to be left to the discretion of the local Government, but that the petition is forwarded to the Government of India as the wording of section III, 3 (12) of the India Petition Rules is somewhat vague. I am to ask that the Government of India may be moved to define the term "dispensatory discretion." His Excellency the Governor in Council considers that the object of the rule is to empower local Governments to withhold petitions appealing against their refusal to exercise any of their discretionary powers, but the addition of the word "dispensatory," if strictly interpreted, curtails to a great extent the practical effect of the rule. If, for example, a local Government declined to dispense with some condition on which a

man's retention in office depended, the rule in question would clearly apply, and no appeal would lie to the Government of India. His Excellency the Governor in Council is not, however, of opinion that it was ever intended to confine the action of the rule to cases where some condition is not dispensed with, and I am to request that the exact meaning of the terms used may be explained.

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 3rd October 1890, No. 1077-1—55 R. :—

In acknowledging the receipt of your letter, No. 4856-A., dated 7th August 1890, submitting a petition from Subramanya Somayazulu of the Bellary district in which he prays for a refund of the assessment collected on his inam lands, I am directed to say that the Government will not interfere in behalf of the petitioner, who may be informed accordingly.

2. With regard to the definition of the term "dispensatory discretion" in section III, 3 (12) of the rules for the transmission of memorials to the Government of India, I am directed to invite a reference to paragraph 3 of Government of India Foreign Department letter noted on the margin,

Dated 18th August 1890, No. 2757 I.

to the address of the Chief Secretary to the Government of Madras, in which the

term has been explained. For the rule to apply there must be a discretion vested in the local Government by a law or rule to waive or dispense with some qualification or condition and the local Government must have declined to waive such qualification or condition. An appeal to be admissible must be against such refusal only.

3. The accompaniments of the petition are returned.

ORDER—dated 30th October 1890, No. 851, Revenue.

Miscellaneous,

Recorded.

2. With reference to his petition to the Government of India, dated the 12th

July last, Subramanya Somayazulu of the Bellary 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 7 enclosures.

Copy to the other Departments of the Secretariat.

APPENDIX.

EXTRACT from letter from the Under Secretary to the Government of India, Foreign Department, to the Chief Secretary to the Government of Madras, dated 18th August 1890, No. 2757-I.

3. With reference to paragraph 15 of your letter, I am to say that rule 3 (12), section III of the rules regarding petitions to the Government of India, can only be applied to cases in which a discretion has been reserved to Government by some law or rule to dispense with some requirement or qualification.

Exd. A. Aubert.

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3155
R

Gobt. of {1890} Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 30th October 1890, No: 850.

OCTOBER.

Government of India Petition Rules.

Letter from the Government of India stating 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 —, recorded.

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3
30th OCTOBER 1890, No. 851, Re. 1

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(Signed) C. A. GALTON,
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Miscellaneous.

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(True Extract.)

Ch. J. A.
Secretary to Government.

To the Petitioner (paragraph 2), with 7 enclosures.

Copy to the other Departments of the Secretariat.

Public Works Dept.

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Exd. A. Aubert.

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3155

Govt. of (1890) Madras.

REVENUE.

3.11.88-2572 ✓
7.12.89-3492 ✓
23.1.90-248 ✓

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.

Cms 11119 & 11120

No 3155 W/25 Nov 1890

Recorded with
reference to P. No 3492
of 7 Dec 1889.

MCM
22.11.90

§ 27.11

20/11/90
Ch. S. S. S. S.
Comptroller
2 copies to colly