(1) பக்கங்களின் எண்ணிக்கை 22
(2) புதுக்கித் திருப்பிய நாள் 10/81
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Rev துறை

அரசாணை எண். / மு. கோப்புத் தாள் எண். 2155
அச்சகம் / பலவகை

நாள் : 3-8-1892 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

11 Sheets

TR

ஆவண. கா-1—18,006—15-6-87.

Letter from the Executive Engineer, Trichinopoly Division, to the Supdg. Engineer, 6th Circle, No. 208 S.C. d/ 7th July 1892.

2 155/1

With reference to your endorsement No. 450 T.C dated 30th Ultimo, I have the honor to inform you that the copy of the judgment in connection with the suit against Annasawmy Iyengar Superintendent of Nandyar anicut has not as yet been received from the Government Pleader Trichinopoly and that it will be sent when received in this office.

2. The Government Pleader has been again written to on the subject.

No. 531-C d/ 11 July 1892.
13/

Copy submitted to the Chief Engineer, P.W.D, for information, with reference to his Memorandum No. 3262.C of the 28th Ultimo.

2. The copy of the judgment will be forwarded as soon as received.

11.7.92

A Smith Lt Col RE
Supdg Engineer, 6th Circle

P. W. CURRENT No. 7298

7298

(30)

Memo w 3262 C of 28.6.92 ✓
P. B. w 2626 w of 30.9.91 ✓
" " " 1969 w of 23.7.91
" " " 1273 w of 9.5.91
" " " 738 w of 10.3.91

From

The Supdg. Engineer
II Circle

To

The Chief Engineer
P.W.D.

No. 531-C
Dated 11
Despd. 13 July 1892
Recd. 15-VII-92

Suit against Annaswamy Iyengar, Supdt Nandiyar Anicut:—

Informs that the copy of the judgment in connection with the — will be submitted as soon as received.—

23.8.92

0/27/7

3/16

2 55/2

Decree

In the Court of the District Munsif at Trichinopoly

Original Suit No. 560 of 1890.

Thandayudapani Kalathuvandan Son of Veeramuthu Kalathuvandan residing in Sengaraiyur Trichinopoly Taluq — Plaintiff

Annasamy Iyengar Superintendent of Nanthayar anicut residing at Alangudi Trichinopoly Taluq — Defendant

Claim for Rs. 60-0-0 being the amount of Compensation.

This Cause coming on this day for final disposal before me in the presence of Vakil T. V. Sanjiva Row on the part of the plaintiff, and Vakils S. Krishnamachariar & Rajagopala Iyengar on the part of the Defendant, it is ordered that the suit be and the same hereby is dismissed with Costs.

Costs of Suit.

Plaintiff's Costs to be borne by him.

	Rs	As	P.
1 Stamp for plaint	4	8	0
2. Do. for power	0	8	0
3. Do. for exhibits	0	0	0
4. Pleader's fee on Rs	0	0	0
5. Translation fee	0	0	0

158

First Sheet

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STAMP DEPARTMENT
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DISTRICT COURT OF TRICHINOPOLY

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6. Subsistence for witnesses for attendance	0	12	0
7. Commissioner's fee	0	0	0
8. Service of process	1	10	0
	7	6	0
Defendant.	Rs	As	P.
1 Stamp for power	0	8	0
2 Do for petition	0	8	0
3. Pleader's fee	3	0	0
4 Subsistence for witnesses	0	0	0
5 Service of process	0	0	0
6 Translation fee	0	0	0
7. Commissioner's fee	0	0	0
	4	0	0

Given under my hand and the seal of the Court this 20th day of November 1892. The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the record will be liable to be destroyed after three years from this date.

Initialled D.V.
Clerk

(Signed) T. M. Rangachary
(~~Principal~~) District Munsif

Copied by
K. Subramanian

2nd & last sheet / True Copy

Superintendent

149

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STAMP DEPARTMENT TRICHINOPOLY
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Memo No. 7918

30-11-1891
30-4-1892
3-5-1892
11 July 1892
12-7-1892

O.M. 5?3 7674/92

Encl to O.M. 23512 20/7/92

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Decree

In the Court of the Principal District Munsif at Trichinopoly.

Original Suit No. 561 of 1890.

Alagappa Kalathuvandan son of Kulandai Kalathuvandan residing at Sangarayyur Trichinopoly Taluq } Plaintiff

Annasamy Iyengar Superintendent of Nanthayar Anicut residing at Alangudy Trichinopoly Taluq } Defendant

Claim for Rs. 60 - - being the amount of Compensation.

This Cause coming on this day for final disposal before me in the presence of Vakil T. V. Sanjiva Row on the part of the Plaintiff and Vakils S. Krishnamachariar & Rajagopala Iyengar on the part of the Defendant, it is ordered that the Suit be and the same hereby dismissed with Costs.

Costs of Suit

Plaintiff's Costs to be borne by him

		Rs	As	Ps
1.	Stamp for plaint	4	8	0
2	Do for power	0	8	0
3.	Do for exhibits	"	0	0
4.	Pleader's fee on Rs	"	0	0

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First sheet

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5 Translation fee	0	0	0
6. Subsistence for witnesses for attendance	0	0	0
7 Commissioner's fee	0	0	0
8 Service of Process	0	8	0
Total	5	8	0
Defendant	Rs	As	P
1 Stamp for power	0	8	0
2. Do for petition.	0	8	0
3 Pleader's fee	3	0	0
4 Subsistence for witnesses	0	0	0
5 Service of process.	0	0	0
6. Translation fee	0	0	0
7. Commissioner's fee	0	0	0
Total	4	0	0

Given under my hand and the seal of the Court this 20th day of November 1891

The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the record will be liable to be destroyed after three years from this date. (Signed) T. M. Rangachari

Initialled D. V. Principal District Munsif

Copied by [illegible] Clerk 2d Examined [illegible] True Copy

Examined by [illegible] 56

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STAMP DEPARTMENT TRICHINOPOLY 5 FE 1892

Memo No. 7919

30-11-1891
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SUPERINTENDENT

ENGINEER'S OFFICE 1/548

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20/7/92

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n the Court of the District Munsif at Trichinopoly
Friday the twentieth day of November
ne thousand eight hundred and Ninety one

Present:—

R.Ry. T.M. Rangachariar Avergal District Munsif

Original Suits Nos. 560 & 561 of 1890.

handayudapani Kalathuvandan Plaintiff in O.S. 560/90
lagappa Kalathuvandan Plaintiff in O.S. 561/90.
y Vakil T.V. Sanjiva Row.
nnasamy Iyengar. Defendant in both these suits
y Vakils S. Krishnamachariar & Rajagopala Iyengar

This suit coming on for final hearing, the Court delivered the following:—

Judgment: In both of these suits, the Defendant is the Superintendent of the Nandiar anicut. The plaintiff in each suit s a ryot of Sangarayur. Each plaintiff lleges that Defendant maliciously and without reasonable & probable cause prosecuted him before the Sub Magistrate of Lalgudi, on the charge of having obstructed Defendant from sending to the pound, cattle alleged to have trespassed upon the Government padugai, in charge of the Engineering Department

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that he was acquitted by the Magistrate, that he Sustained damages by reason of the said Criminal prosecution.

2. The Defendant denies malice and the absence of reasonable and probable cause Says that he ~~entitled~~ instituted the complaint bonafide. He further pleads that the suit is unsustainable for want of Notice to him under Section 424 of the Civil Procedure Code.

3. The third issue in both the Cases is whether the suit is sustainable in the absence of Notice to the Defendant under Section 424 of the Procedure code. The Suits have been tried together with regard to this issue by consent of parties.

4. I find this issue for the Defendant.

5. The Defendant is the Anicut Superintendent in charge of the "Padugai" alleged to have been trespassed upon. It is not denied in the plaint that Defendant was in charge of the "padugai". If any cattle trespassed upon the Government "padugai" it was the duty of the Defendant to have taken steps under the Cattle Trespass act. If he took

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Such steps and he was obstructed in so
doing, I conceive he would be quite Justifie
in preferring a Complaint to the Magistrate.
Thus in having brought the Complaint before
the Magistrate, the Defendant was acting or
purported to act in his official capacity.
6. Under Section 424 of the Procedure
Code, a notice of two months is necessary
before a Suit can be instituted against
a Government Servant, in respect of an
act purporting to be done in his official
capacity. The object of the provision is to
enable the officer sued to consult his
official Superior and seek instructions
as to the defence and conduct of the same.
The principle of English Law is, that
"the object clearly is to protect persons
acting illegally but in supposed pursuance
and with a bona fide intention of ~~disch~~
discharging their duty under the act of
Parliament." Where the law "is not exceeded
no protection is required. It is not wanted
by those who are in the right and have
perfect Justification under the act of

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Parliament, but by those who are in the wrong in order that they may have an opportunity of tendering amends. If the Defendant bonafide believed that he was acting in pursuance of the statute and in the exercise of a legal right, that is all that is necessary to entitle him to notice of action. See addison on Torts page 566. Edition 1870. In this case, the property alleged to have been trespassed upon, was not the private property of the Defendant. It belonged to Government and was in charge of the Defendant, their servant. The prosecution was an act purporting to be done by Defendant for Government, in his official capacity and it seems very clear that he is entitled to the statutory notice. Even if the Defendant was acting illegally in having prosecuted the plaintiffs, the principle of law above quoted would in my opinion, apply, once it is conceded that the act was done in a public capacity.

7. On these grounds, I find that the

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Memo No. 7919

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Suits are not sustainable
Suits are accordingly dismissed with Costs.

Compared by
Initialled D.K.

(Signed) T.M. Ranga Chary
District Munsif

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(True Copy)

Superintendent

DISTRICT COURT OF TRICHINOPOLY

Letter from the Executive Engineer, Trichinopoly Dn, to the Supdg. Engineer, VI Circle, No: 235 S.E. dated 20th July 92.

2155
/11

—

Enclosures: 3.

In continuation of this office letter No: 208 S.E. d/ 7th July 92, I have the honour to forward herewith copies of Judgment & decrees in connection with the suit against Annasawmy Iyengar, Superintendent of Irrigation Ancient, received from the Government Pleader, Trichinopoly.

2. From the endorsement on the certified copies it will be observed that there has been extraordinary delay in furnishing the copies in question. I have brought this to the notice of the District Judge.

—

No: 593 T.C.

Enclosures 3
1 copy of Judgment
2 - do of decrees.

Copy together with the copies of Judgment & decrees is submitted to the Chief Engineer D.P.W. in continuation of this office No. 531 T.C. of 11th July 92.

23rd July 1892

Supg. Engineer, VI Circle

o 25/-

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VI [illegible]

The Chief [illegible]

No. 593 &c
Dated 23d
Despd. 25 } July 189
Recd. 27 VII 92

Suit against Srinivasa
Iyengar, Supdt.: —
Submits copies of Judgment &c in con[illegible]
with the —

No. 2155 W. d/ 3 August
1892
Recd
30 July

Recorded.

O.W.B.
28/7/92

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