

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT

GO. No.	276	Press
		Visa
Dated	26 4	1888

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 27th April 1858.

No. 24. From H. D. PHILLIPS, Esq., Commissioner of Tanjore ; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 17th April 1858, No. 292.

SIR,

I have the honor to transmit the Draft of
an answer which I request the permission of
Government to file in an action instituted
against me and others by the parties* marginally
named.

* Booshanum Narayana Sastry, and Sota Soobramania Sastry

versus

Mr. H. D. Phillips and seven others.

2. The plaint, of which I submit a Translation, calls in question my proceedings as Acting Collector and Resident. In the latter capacity, I do not believe I am amenable to the authority of the Sub Court, as it was I acted as Commissioner.

3. The transaction on which the Plaintiffs base their Suit, had its commencement prior to the time when the affairs of the Durbar were placed in the hands of a Commissioner.

4. The rights of "Coodee Kaneeatchee," such as the Defendants from 2 to 8 assert they possess, are very much prized and are carefully guarded by members of the cultivating classes who believe they can establish them; and so far as I have observed, nothing short of a formal complete, judicial enquiry will suffice for their cancelment or recognition, when a dispute arises in which these rights become involved.

5. Under such circumstances, the only course open for adoption was the one I took, viz., to refer the Plaintiffs to the Courts. Had I made an enquiry and thereupon ousted the Defendants from their undoubted occupancy of the lands, they, on their side, would, of course, have sued me for the trespass.

Translation of a Plaint filed in the Subordinate Court of Combaconum, by Bhooshanum Narayana Sastry and Lota Soobramaneah Sastry of Trivisanullore in Talook Combaconum, against H. D. Phillips, Esq., Acting Collector and Resident of Tanjore, and Moorga Pillay, his son Appa Pillay, Chinna Moorga Pillay, Samoo Pillay, Shunmooga Pillay, Saminada Pillay, and Sabhapaty Pillay of Trivisanullore Bhundaravaday.

This is an action for the recovery of Rupees 549-10-7 being the amount of rent and the interest thereon.

1. The Pagoda of Sivayoginathasaymee situated in the said Bhundaravaday Village, is possessed of 8 Maws and 85 Goolies of Nunjah land, 6 Topes Coco-trees, and some lands occupied by Ipah trees; all of which the 1st Plaintiff rented on the 17th Pungoonny Rotchasa corresponding with the 28th March 1856, for 3 years at Rupees 215 per annum from the Ameenah of the Pagoda who acted on behalf of His late Highness the Rajah of Tanjore, the latter having been the Trustee of the Pagoda. The 1st Plaintiff also gave the Ameenah a Moochilicka on the same date and a deed of rent afterwards, and paid Rupees 112-8-0 in advance.

2. The 2nd Plaintiff sub-rented a moiety of the above said lands from the 1st when in (A. D. 1856,) they commenced enjoying the lands, the Defendants 2 to 8 seized the Nunjah lands under pretence of holding a right to cultivate them, and accordingly enjoyed them. They also carried away, in January 1857, the horse gram and other Poonjah produce which had been raised, harvested, and stored by Plaintiffs; and since July following they enjoy the produce of the Topes.

3. The Nunjah lands alluded to above are two crop lands; but in 1857, the Defendants raised only one crop upon them, and even that single crop was very badly cultivated. Hence the harvest was made under Circar superintendence by the Curnum of the Veppatore Vutium under the orders of the Combaconum Tahsildar.

4. The Plaintiffs often brought the above circumstances to the notice of the 1st Defendant who, on the 17th November 1857, ultimately referred them to the Civil Court.

Fort Saint George, Political Consultation, 27th April 1858.

5. The Tahsildar of Combaconum, under instructions from the 1st Defendant, afterwards caused a notice to be served on the 1st Plaintiff, requiring the Plaintiffs to pay the arrears of rent for the past two years and informing them that the rent would be cancelled.

6. The Plaintiffs have no objection to the rent being cancelled. They only claim what they would have derived under the rent for the two years for which they have partly paid the rental and for which the arrears are demanded from them by the notice, together with the interest thereon, aggregating Rupees 459-10-7 (as particularized in the plaint) and they request that the amount may be adjudged to be paid to them by the Defendants.

The 1st Defendant, as a Government Officer, should have investigated into and redressed the wrongs committed by the others; and, as Resident, he should have confirmed and upheld the rent given by the Rajah authorities. But he has omitted to do so, and ultimately given orders unfavorable to the Plaintiffs, demanding the arrears of rent from them through the Tahsildar, and making the harvest of the Nunjah crop under Circar superintendence. It is these irregular proceedings of his, which have led to the violence of the other Defendants; and the Plaintiffs have therefore included him as the 1st Defendant. The Plaintiffs will bring the other matters to notice during the hearing.

Note.—The Plaintiffs have herewith filed 5 documents; the others have not now been produced, as they have to be obtained on the Diary order of this Court.

No. 25. ORDER THEREON, No. 276; dated 26th April 1858.

Referred to the Government Pleader in the Sudder Court for his opinion.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Order c 102 yb
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 in the Sullen Co. for his opinion.
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In 24 to 27 April.
Political 1887

From The Commissioner
Laying
To The Chief Secretary
to Government

Dated 17.
Recd 21/3 April 1888

N 292
Enclosure two

18/10/1888

No 2641
2 Enclos

Submits translation
of a Plaint filed in
the Sub Court against
the Collector & Respondents
& others and draft of
an answer & requests
authorizing to file the latter
in French.

With an Order

Political Letter to Govt of 13th September 1887
of 1888.
Mar 26

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