

Public (1897) Department.

ORDINARY MS.

G.O., No. 952

DATED 16 7 97

INDEXED.

[Despatch Abstract.]

Transferring, with remarks, to the Board of Revenue for disposal certain papers connected with the appeal of Bheemanna Gowd Reddi against the order of the Collector of Bellary regarding the disposal of certain treasure found in Havimahal village, Bellary taluk.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

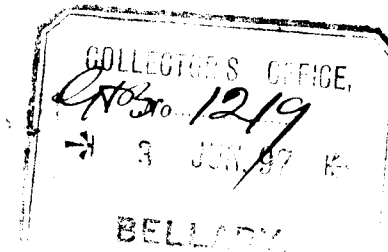
FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[Pub.]
29
1,000-28-7-96.

Public (189 7) Department.

CURRENT No. 135



From

Beemana Goud Reddy
Bellary. Ch. and Bf.

Order

Endt No. 1148 of 31 May 1897

No.

Referred to the

Collector of Bellary for
full report.

(By order)

M. Huapp.

As Under Secretary.

Dated

16

Received

19

Registered

20

5-97

Enclosures

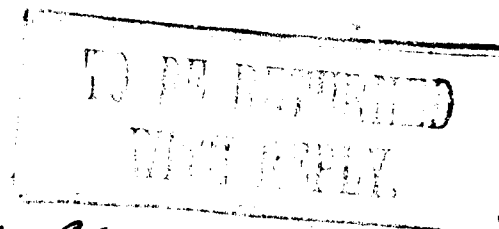
- 2

Spare copies.

SUBJECT.

Appealing against the order
of the collector in regard to
certain treasure discovered by
him.

M. H. Goud Reddy
15/6/97
22/7/97



To the Collector of Bellary.

HH
27/7/97

BACK PAPERS.

G.O.	No.	Department.	Date.
for	901	Pub	22-8-96
	235		17-2-96
	Ad VI	of 1878	

FURTHER PAPERS.

G.O.	No.	Department.	Date.
			—
			11-23

in order to be
referred to the
Board of Revenue
for their consideration
and report.

for the purpose of
the Board of Revenue.

Public (1897) Department.

CURRENT No.



From

The Collector of
Bellary

Recd
Order
order

Transferred
to the Board of Revenue
Revenue with reference
to para 2 of G.O. No. 901 Dated 18-6-97
Public of 22nd August 1896

Received 23
Registered 24 } 6-97.

Enclosures all the papers received
from the Board of Revenue
Spare copies — (Pub. C. No. 1895/97
and 1/2 with extracts)

By Under Secy.

SUBJECT.

Submitting full report
on the appeal petition
of Hanumana Gowd of
Havimahal village
regarding the
Treasure found by him

C.W.
10.7.97

To
The Madras (L.R.)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Public DEPARTMENT.

C. No. 1895 + 2315

H. E. THE GOVERNOR.

Sir H

~~THE HON'BLE MR. BLISS, K.C.I.E.~~

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Appeal against the order of the collector of Bellary, declaring certain treasure ownerless under the Treasure Trove Act.

FOR ORDERS.

The facts regarding the discovery of the treasure are briefly these. — On the 10th of September 1896 Pheema Goud the Reddi of Navinahal Village in Bellary Taluk wanted earth for his new house, and sent his nephew and a servant to have some dug on the site of an old house in ruins in a plot of ground which he claims as his ancestral property. While digging they discovered ~~some~~ ~~gold coins~~ ^{which} ~~consisted~~ of 61 pagodas, and Pheema Goud ~~having~~ ^{reporting} of it took possession of the treasure and ~~reported~~ ^{reported} the matter

~~reported~~ to the Deputy, Tahsildar,
of Srirangappa, who made the
necessary enquiries locally,
inspected the site of the
discovery, personally, and
~~submitted~~ a report of the
matter to the Collector with
a view to the necessary
action being taken under
Act VI of 1878 (Treasure Trove
Act). The requisite notifica-
tions under the Act were
thereupon published, and on
the date fixed for enquiry,
Bheemana Gowd appeared as
the claimant of the treasure.
But as, from the state-
ment he made (Vide A),
it was evident that the
treasure was not hidden
by him, and that he
could not, ^{even} trace it ^{definitely} to
any particular ancestor of
his, nor state the circum-
stances under which it
was hidden ~~anywhere~~
~~place~~, the Collector declared
the treasure to be ownerless
under Section 9 of the Act.

It is against this
order of the Collector that
Bheemana now appeals.
The petitioner states that
the plot of ground where the
treasure was found is his
ancestral property, ^{where} his
father, grand-father and
great-grand-father having
lived, ~~that~~ ^{and} that his
grand-mother had some
gold coins ~~when she was~~
~~alive~~ ^{which she} must have
hidden ~~there~~ ^{there}. ~~and did~~
~~without telling anything~~
~~about it~~ As she was
speechless during her last
moments, ^{she could not mention the fact} ~~and that it was~~
~~proved by~~ the evidence of the
witnesses examined by the
Deputy Tahsildar, ^{proves, pet. states} that he
owns the ^{in question} ~~alleged spot~~ ~~at present~~.
He ~~further~~ adds that he
is prepared to produce
further evidence if what
has already been taken is not
satisfactory. He ~~therefore~~
concludes that in virtue
of his hereditary right
to the site where the treasure
was

was discovered he is the rightful claimant ~~found~~, and therefore of frays that font may order the delivery of the coins to him. It

may be added that the Deputy Tahsildar in his report of the matter to the Collector expresses

An opinion that the ~~coins~~ font ^{case} ~~will~~ have no claim to the treasure, implying presumably, ~~meaning thereby~~

that Bheemana Gowd was the rightful claimant. (Vide translation of the copy of his Arzi to the Collector at)

Section 7 of the Treasure Trove Act lays down that the following matters should be enquired into and determined by the Collector before passing orders, viz:-

"(a) the person by whom, the place in which, and the circumstances under which, such treasure was found; and

(b) as far as is possible the person by whom, and the circumstances

The Collector's decision. Seems it is submitted to be somewhat arbitrary ~~and~~

"circumstances under which such treasure was hidden"

In the case in question everything that has been enquired into by the Deputy Tahsildar, and every statement of the petitioner relate to (a), and nothing has been practically ascertained or known so far as (b) is concerned. And as a definite determination of (b) is ^{perhaps} most essential under the Act for the ~~disposal~~ proper disposal of such claims as the present the Collector's decision is strictly in order.

But it is now left for font to consider whether or not the ~~some~~ somewhat peculiar circumstances of the case render it possible for a disposal favourable to the petitioner. That ~~font~~ owns the land where the treasure was found is admitted ~~on all hands~~; and if credit is given to his statement that his late grand-mother who lived in the

the old house ~~then~~, had
some coins which she
must have hidden somewhere
of in the ground, then the fact
of the coins in question
having been found within
the ruins of that very house
does, it is submitted,
strengthen to some extent
the claim of the petitioner
for the treasure.

Orders are solicited.

J.H.H.

8/7/97.

The fact against
petr is his statement at A
that he was unable to say
how the treasure came
to be hidden where it was
found, as it is in direct
contradiction to that in
petr viz that his
grandmother hid
the coins under the
old house. This may
be due to his having
got "mixed" while making
his deposition. The rest
of the circumstances
is in favour of petr's
claim. It is submitted
that

that he may be
required to produce
the further evidence
in favour of his claim
which he states in
para 3 of his petn
he is prepared
to adduce

Ad.
27.97

the also P

[G.
73
300-30-7-06.

NOTE FOR THE CS

The appeal from the decision
of the Comptroller of Bellamy
in the Treasury has case
should have been presented
to the Board. Mr. Smith
however in his order (why
just before B) told the
appellant to appeal to Govt.
relying on this order I signed
the memo at C.

It is submitted that the
papers may now be
transferred to the Board.
Should the Comptroller
mistake be pointed at?

Yes.

15/7/97.
13/7/97.

N/

order. W. 952 of 16 July '97

The papers will be transferred
to the D. of the Comptroller.
2. The attention of the Comptroller
of Bellamy will be called to
para 2 of B.O. no 901 of 16 July '97
22 Aug. 1896 under which the appeal
in Treasury has case lies to the
Board of the Comptroller and to Govt.
M. 1015 (from CS order)

Board of the Comptroller of Bellamy

When given for copying 20-7
When copied 20-7
When examined 21.7
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.