Receipt Department

Pencils of various Ateliers

29th Oct 1857

Book No 36 — 61

Oct 29 to Nov 12 1857

பரத்தாய்பு பிரிவு - - 1 -

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்.

செப்பனிட்டு முடித்த நாள்

வரிபாக்குனர் முதல் மு. நி. பா. எ. உபரி நி. பா. எ. தலையாரி
ஒகொப்பம் ஒகொப்பம் ஒகொப்பம்

2/1016

## *Fort Saint George, Revenue Consultation of 29th October 1857.*

No 36. Read the following Extract from the Proceedings of the Board of Revenue ; dated 12th October 1857, No. 3436.

*Dated 19th September in Cons. 12th October 1857.*

Read letter from the Acting Collector of Madura forwarding copy and translation of an order issued by the Acting Joint Magistrate relative to the Saltpetre case which is the subject of Petitions Nos. 1706 and 1802 of 1857.

(Here enter No. 199.)

The Petitioner, Mr. G. S. Fischer, with his first address forwards a letter from his Goomastah at Palany to his Manager, representing the Acting Sub-Collector to have given an order to level all the Saltpetre Thittoos in the Balasamoodrum village, and that the Manufacturers, if they wish, should form other Thittoos on Perumpoke land, since the Sircar derived no profit from the Manufacturers.

2. A subsequent petition No. 1802 of 1857 purports to give cover to the Acting Sub-Collector's order, but no enclosure seems to have been received with it.

3. The order which the Board proceed to consider is that contained in the enclosure to the letter now recorded, which purports to be an endorsement passed on the petition of Permal Naik and others, Manufacturers of Saltpetre, and is dated the 23d January last.

4. It states that the Acting Joint Magistrate saw no reason to interfere in the matter of the complaint ; and lays down the rule, that the extraction of Saltpetre from land gives no title to it when it is required for other purposes if it be held without authority and without payment of land tax, and that Government may resume it when they consider such a measure necessary. In the present instance, the endorsement adds, it may be inferred "that the land has been "required and accordingly resumed by Government for a revenue is about to be derived from it "in consequence of one Palanyandy Monegar having engaged to take it up for cultivation."

5. There is no allusion to an order having been given to level all the saltpetre thittoos in the Balasamoodrum village, and from the extract from an Urzee from the Goomastah to Messrs. Fischer and Co. given in the Extract Minutes Consultation under date the 14th July 1857, No. 701, R. D., it seems that the real subject of complaint was the enclosure by a hedge of certain saltpetre mounds by the abovementioned Palanyandy Monegaren.

6. There are thus two points for consideration, the propriety of the general doctrine laid down, and the justice of the decision in the dispute between the Oopillyars and Palanyandy Monegaren.

7. On the first, the Board concur with the Acting Sub-Collector in opinion that the occupation of land for the manufacture of saltpetre without payment of land tax and without express permission is no bar to its resumption by Government. They do not think that if such land were required for public purposes the unauthorized occupants could either maintain their possession, or set up a valid claim for compensation.

8. But the Board differ from Mr. Cockerell in respect to his argument that the enclosure by Palanyandy Monegaren, which seems to have been equally unauthorized, was tantamount to a resumption by Government although he was willing to pay tax for the land. It is not stated whether it belongs to the cultivable Ayacut or Perumpoke. In the former case, if it really contained saltpetre mounds and was in the actual possession of the Oopillyars, the option of holding it on the fixed assessment should they think have been first given to the Oopillyars, and the same course should have been pursued if the land was Perumpoke, if it was thought proper to make it over to any one for their private use.

9. There is a difficulty however in passing definite orders in the case, owing to the uncertainty as to whether or not the land taken by Palanyandee Monegaren was occupied by the Oopillyars or not. In Mr. Cockerell's letter to the Acting Collector under date the 25th June last it is stated that according to the report of the Tahsildar of Iyampully "no such encroachment as that complained of had "taken place, and that all Palanyandee Monegaren had done was to take the earth from the low "land under his Garden which was only $1\frac{1}{2}$ of a Gooly in extent and had no connection with

*Enclosure in from Madura 30th June in Consultation 25th August 1857.*

"the saltpetre Thittoos for the purpose of raising a bank round that Garden." If this be correct, the decision as between the individuals should stand; but as no personal enquiry had been made in the matter, the Board before forming their judgment resolve to direct that this shall be done and the result reported to them. At the same time it should be stated whether the land was arable or Perempoke.

10. Ordered that copy of these Proceedings be submitted to the Right Honorable the Governor in Council, in compliance with the direction contained in para. 2 of Extract Minutes Consultation of Government under date the 14th July 1857, No. 701, Revenue Department.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

---

No. 37. ORDER THEREON, No. 1096; dated 27th October 1857.

The Government will await the receipt of the further report called for in para. 9 of the above Proceedings.

(Signed) H. FORBES,
*Acting Secretary to Government.*