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Revenue Department.

Minutes of Consultations.

23rd Dec 1857.

Back Nos 11 & 12.

Order No 1314 Dy 16th Dec 1857.

பாதுகாப்பு பிரிவு–1

செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2–ம் மு.நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

1314/2

Fort Saint George, Revenue Consultation of 23d December 1857.

No. 11. Read the following Extract from the Proceedings of the Board of Revenue; dated 30th November 1857, No. 4259.

Read letter from the Acting Collector of Madura dated the 16th Instant* submitting translation of a Plaint filed by Caderryasawmy Naiker to obtain possession of the Yerrachaka Naikenoor Polliam in the Madura District, now held as an escheat by Government, together with copy of the answer he proposes to submit, and requesting that the sanction of Government may be obtained for defending the suit at the public expense.

* *In Consultation 30th November* 1857.

(Here enter No. 235.)

The circumstances of the Yerrachaka Naiknoor Polliam were reported at length to Government in the Board's letter of the 16th March 1854, and the assumption thereof as an escheat sanctioned by the Extract Minutes Consultation of Government under date the 19th April 1854, No. 441, R. D.

2. The claim of the individual whose suit is reported in the letter now recorded, was discussed in paras. 3 to 7 of the letter of the Board adverted to above and pronounced to be inadmissible on the ground that "as the British Go-

Para. 7. "vernment on the acquisition of the country in 1790 found the Estate "resumed by competent authority and restored it soon after to Mootoo Allegherry Naik the son "of the late Poligar as an act of grace by the grant of a Puttah in 1796, the Title thus obtained "was as clearly a new creation as if an Istimrar Sunnud had been issued,"

Para. 6. and the grant of an Istimrar Sunnud, it was assumed, would have been conclusive against the petitioner (present Plaitiff's) claim as bringing the property into the class of self acquired from the date of the said Sunnud, whereas the present Plaintiff's ancestor branched off from the Yerrachaka Naiknoor stock at a much earlier period.

3. These facts are pleaded in para. 3 of the answer proposed by the Acting Collector, and it is also shewn that both the Civil Court of Madura in Appeal Suit No. 18 of 1847, and the Suddr Udalut in special Appeal Suit No. 78 of 1849, decided against a claim set up by the father of the Plaintiff against Chinnamaul a late possessor.

4. No allusion is made to the Proceedings of the Sub-Court of Madura, dated 29th August 1855, declining to entertain a Suit brought by the Plaintiff on the ground that the heirship of his father had already been decided against in the decrees adverted to in the preceding paras. Probably the Suit thus rejected was brought in forma pauperis, though not so described in the Sub-Court's Proceedings. Otherwise the order seems to be of great importance, and should have been pleaded.

From Collector of Madura 28th September 1855, *in Consultation 11th October* 1855.

5. With this addition which should be made by the Acting Collector, if the Extract from the Proceedings of the Sub-Court of Madura referred to a Pauper Suit, the answer seems to the Board to be sufficient, and they accordingly resolve to submit the papers to Government with their recommendation that the sanction applied for may be granted.

6. The Board remark that the Acting Collector's letter was only received by them on the 19th Instant.

(A true Extract.)

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

No. 12. ORDER THEREON, No. 1314; dated 16th December 1857.

The Government observe that the answer in Suit No. 1 of 1856 on the file of the Civil Court of Madura, instituted for the recovery of the same Estate which Kadirsawmy Naik claims in the Suit which is the subject of the correspondence now before Government, was approved after the opinion of the Government Pleader had been obtained, and as in the draft answer now submitted by the Collector the same points are urged, the Right Honorable the

Ex. Mins. Cons. 25th February 1856, *No.* 209.
„ *5th March* „ „ „

Correspondence

Fort Saint George, Revenue Consultation of 23d December 1857.

Governor in Council resolves to grant authority for the defence of the Suit in the first instance at the public cost; but will determine when a copy of the decree is furnished, whether the costs, if any be adjudged against the Acting Collector, shall be borne by that officer or by the Government.

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

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Revenue Department.

No 4259

Extract from the Proceedings of the Board of Revenue dated 30th November 1857.

Read letter from the Acting Collector of Madura dated the 16th Instant submitting Translation of a Plaint filed by Cadeeya Servay Naiker for a Declaration of possession of the Vyrachaka Naikenor Pollam in the Madura District, now held as an Escheat by Government, together with Copy of the Answer he proposes to submit and requesting that the sanction of Government may be obtained for defending the Suit at the public expence.

(Mem Cutcherry No 235)

The circumstances of the Vyrachaka Naikenor Pollam were reported at length to Government in the Board's letter of the 16th March 1855 and the assumption thereof as an Escheat sanctioned by the Right Honble Court of Directors under date the 19th April 1854 No 111 R. D.

2. The claim of the Individual whose

Correspondence

whose suit is reported in the letter now recorded, was discussed in Paras 3 to 7 of the letter of the Board adverted to above and pronounced to be inadmissible on the ground that "as the British Govern- "ment on the acquisition of the Country "in 1792 found the Estate resumed by con- "petent authority and restored it soon "after to Moorba Alloghery Naick the "son of the late Poligar as an act of "grace by the grant of a Pottah in 1796, "the Title that obtained was as clearly "a new creation as if an Istemrari Sunnud "had been issued" and the grant of an Istemrari Sunnud, it was assumed, would have been conclusive against the Petitioners (present Plaintiffs) claim as bringing the property into the class of Self acquired from the date of the said Sunnud, whereas the present Plaintiffs ancestor branched off from the Pachalic Nathanum Stock at a much earlier period.

Para 4.

Para 6.

3 These facts are pleaded in Para 3 of the answer proposed by the acting Collector, and it is also shewn that both the Civil Court of Madura in

1344/4

in Appeal Suit No 18 of 1849 and the Sadr Adalut in Special Appeal Suit No 78 of 1849 decided against a Claim set up by the Father of the Plaintiff against Chinnamal a late Possessor.

4 No allusion is made to the Proceedings of the Sub Court of Madura dated 29th August 1855, declining to entertain a Suit brought by the Plaintiff on the ground that the heirship of his Father had already been decided against in the Decree adverted to in the preceding Paras. Probably the Suit then rejected was brought in forma pauperis, though not so described in the Sub Courts Proceedings. Otherwise the order seems to be of great importance, and should have been pleaded.

From Coll.r of Madura 28 Sept.r 1855 in Con.n 11 Oct.r 1855.

5. With this addition which should be made by the acting Collector, of the Extract from the Proceedings of the Sub Court of Madura referred to a Pauper Suit, the answer seems to the Board to be sufficient, and they accordingly resolve to submit the Papers to Government with their recommendation that the sanction applied for may be granted.

The

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The Board remark that the acting Collector's letter was only received by them on the 19th Instant

(A true Extract)

H Sim
ag Secretary

To
W. Forbes Esqre
ag Secretary to Government
Revenue Department

Revenue 18th Novr
No 1492
Board of Revenue
Cuddalore 30th Nov. 1831
Nov. 23 Recd
A. Read Secretary
No 4239

Copy Mpp. 16th December
W. Godfrey's letter from the Collector of Madura recommending that the additional Peons employed to escort the Treasure to Dindigul be continued for the current year and the Collector directed to report the reasons which may render it necessary to continue the Peons for a longer period

No 11

Cand. 21st Dec. 1831
C.S. Dec. 1831

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Rev. Dept.

No. 1314

Extract from the Minutes of Consultation

Under date the 16 December 1857

Read the following

Extract from the Proceed-

-ings of the Board of

Revenue

(Vide letter 30th Nov. 57 p. 42)

"The Government

observe that the answer

in Suit No. 1 of 1856 on

the File of the Civil

Court of Madura, insti-

-tuted for the recovery of

the same Estate which

Radiristanony Nair

claims in the Suit which

is the subject of the

Correspondence

correspondence now before
Government, was approved Exp: Mins: Cons: 25th Feby/36
after the opinion of the —"— 5th March "
Government Pleader had
been obtained, and as in
the Draft Answer now
submitted by the Collector
the same points are urged,
the Right Honorable the
Governor in Council resolves
to grant authority for the
defence of the Suit in the
first instance at the public
cost, but will determine when
a copy of the Decree is
furnished, whether the costs,
if any be adjudged against
the Acting Collector, shall
be borne by that Officer or
by the Government.

Respt to the Bd of Rev
with Encls

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Revenue 1857 Dec 16
No 16 Cons: 23rd December
No 1314

Extract Mins: of Cons:
Dated 16th Decr 1857

From the Bd of Rev: No: 9713
dy 4/60 Cer 1692

Granting authority
for the defence of Suit No 1
of 1856, on the file of the
Court of Madras.

No 11042.