(1)

Revenue Department

Minutes of Consultations

23rd Dec 1857

Back Numbers 55 – 56

Order no 1338 of 22nd Dec 1857

இரண்டு

No 1238

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

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

No. 55. Read the following Extract from the Proceedings of the Board of Revenue; dated 11th December 1857, No. 4449.

Read letter from the Acting Collector of Masulipatam dated 30th November 1857.*

* *In Consultation 11th December* 1857.

(Here enter No. 227.)

Resolved that the above letter be submitted for the consideration and orders of Government.

Memo. para. 1. 2. In October 1856, the two suits which form the subject of the present reference were instituted in the Court of the District Moonsiff of Masulipatam by two ryots of the village of Gollapollium belonging to the proprietary Estate of Goodoor and rented out by him, against 4 ryots and the Kurnum of the adjoining Government village of Kohanarrayanapolliem for the recovery of 3 fields of dry land of which Plaintiffs alleged they had been improperly dispossessed.

Memo. para. 2. 3. As the claims involved the question of boundary between the two villages and thus affected the interests of Government and the proprietor, neither of whom were parties to the actions, the Civil Court was moved to

Memo. para. 3. order the dismissal of the suits. The Civil Judge however placed them on his own file and caused the Acting Collector to be included as a supplemental

Do. para. 4. Defendant. The suits were thus filed on the 30th March last, and 2 months' time was allowed to the Collector from the 2d June. Copies of the plaints were however received by Mr. Knox only on the 1st July.

4. Mr. Knox at once took up the question of boundary and this was settled by mediation on the 23d August last. The proprietor of Gollapolliem has formally signified his assent to the line thus defined, and the adjustment is also acquiesced in by the villagers concerned. From para. 6 of the memo. however it appears that the Plaintiffs in the suits have not agreed to the final settlement. One of them has died and left only his widow as his representative, and she apparently at the instigation of the renter of the village and others proceeds with the suit. The other Plaintiff was absent on the day of settlement and has not since reappeared. Mr. Knox's letter and memo. are not very clear as to the consent of the Plaintiffs to the amicable adjustment of the boundary.

5. This settlement however has not stopped the suits, and indeed it does not affect the Plaintiffs' claims to the possession of the lands, but can only determine by whom their rents are to be received.

6. In his answers, the Acting Collector pleads the definition of the boundary which has been agreed to by the proprietor and the principal ryots of the two villages and urges that Plaintiffs should sue for possession either before him under Regulation V. of 1822, or by regular suit against the ejecting ryots.

7. The Board regret that the institution of the suits was not at once reported in the usual course. This need not have prevented the Acting Collector from adopting the measures which he actually pursued, and orders could have been received in time for the defence of the suits and the alteration of boundary, if Government had approved of these arrangements.

8. With regard to the line of defence, the Board think it would have been sufficient to plead that Government were only interested in the suits so far as the question of boundary was affected by them, and that this had been settled by mediation between them and the proprietor. The Acting Collector should also have pointedly urged that the latter, though so far equally interested with Government, was not a party to the suits.

9. The answers actually filed will probably meet the object in view, and the Board recommend that the Acting Collector's Proceedings may be approved subject as usual to the final determination at which Government may arrive when the issue of the suits is reported.

(A true Extract.)

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

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

No. 56. ORDER THEREON, No. 1338; dated 23d December 1857.

The Right Honorable the Governor in Council must decline to grant authority for the defence of the suits, stated in the papers submitted by the Board with their Proceedings above recorded, to have been filed against the Acting Collector of Masulipatam, as the course which Mr. Knox pursued in having filed the answers without authority, is contrary to the orders conveyed in the Board's Circulars specified in the margin. The Acting Collector's interference in the first instance was unnecessary. The Government were no parties to the original suit, and their interests would not have been affected by the decree.

C. O. 27*th April* 1829, *page* 87, *Vol. I*
" 22*d June* 1840 " 287 " *I*

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

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Revenue Department.

No 55 to 72 N. Utility

Extract from the Proceedings of the Board of Revenue, dated 11th December 1857.

Read letter from the Ag. Collector of Masulipatam dated 30th November 1857.

In Ans 11th Dec. 1857. (Recorded No 2271)

Resolved that the above letter be submitted for the consideration and orders of Government.

Memo. para 1. In October 1856 the two suits which form the subject of the present reference were instituted in the Court of the District Moonsiff of Masulipatam by two Ryots of the Village of Pallapallium belonging to the Proprietory estate of Poodoor and rented out by him, against the Ryots and the Kurnum of the adjoining Government Village of Kotanarayanapalliem for the recovery of 3 fields of dry land of which Plaintiffs alleged they had been improperly dispossessed.

Memo. para 2. 3. As the claims involved the question of boundary between the two Villages and thus affected the interests of Government and the Proprietor, neither of whom were parties to the actions, the Civil Court was moved to order the dismissal of the suits. The Civil Judge however placed them on his own file and caused

Memo. para 3. the Ag Collector to be included as a supplemental Defendant. The suits were thus filed on the 30th March last and 2 Months time was allowed to the Collector from the 5th June. Copies of the Plaints were however received by Mr

do para 4. Knox only on the 6th July.

Mr

Collector

4. Mr Knox at once took up the ques-
-tion of boundary and this was settled by media-
-tion on the 23d August last. The Proprietor of Pol-
-lapolliem has formally signified his assent
to the lines thus defined, and the adjustment
is also acquiesced in by the Villagers concerned.
From para 6 of the Memo however it appears
that the Plaintiffs in the suits have not agreed
to the final settlement. One of them has died
and left only his widow as his representative,
and she apparently at the instigation of the
renter of the Village and others proceeds with the
suit. The other Plaintiff was absent on the
day of settlement and has not since reappear
-ed. Mr Knox's letter and Memo are not very
clear as to the consent of the Plaintiffs to the
amicable adjustment of the boundary.

5. This settlement however does not
stop the suits and indeed it does not affect
the Plaintiffs claims to the possession of the
lands, but can only determine by whom their
rents are to be received.

6. In his Answers the Ag Collector states
the definition of the boundary which has been
agreed to by the Proprietor and the principal Ryots
of the two Villages and urges that Plaintiffs should
sue for possession either before him under Regula
-tion V of 1822 or by regular suit against the
ejecting Ryots.

7. The Board regret that the institution
of the suits was not at once reported in the usual
course. This need not have prevented the Ag Collector
from adopting the measures which he actually
pursued and orders could have been received in

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in time for the defence of the suits and the alteration
of boundary, if Government had approved of
these arrangements.

8 With regard to the line of defence the
Board think it would have been sufficient to
plead that Government were only interested in
the suits so far as the question of boundary was
affected by them, and that this had been settled
by mediation between them and the Proprietor.
The Ag Collector should also have pointedly urged
that the latter, though so far equally interested
with Government, was not a party to the suits.

9. The answers actually filed will pro-
-bably meet the object in view and the Board
recommend that the Ag Collector's Proceedings may be
approved subject as usual to the final determi-
-nation at which Government may arrive
when the issue of the suits is reported.

I have &c
Ag Secretary

To
W. Forbes Esq
Ag Secretary to Government
Revenue Department.

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Revenue Department

No. 1338

Extract from the Minutes of Council at Colombo
Under date the 22nd December 1857.

Read the following

Extract from the Proceedings of
the Board of Revenue.

Revenue Entered 11th Dec. 1857 No. 4447

The Right Honorable
the Governor in Council
must decline to grant any
authority for the defence of
the suits stated in the
papers submitted by the
Board with their Proceedings
above recorded, to have been
filed against the acting
Collector

Revenue Branch
No. 1365
Colombo 23rd Dec. 1857

Colonial Secretary
Acting Secretary
Board of Revenue.

Revenue Department
Colombo 22nd Dec. 1857

No. 1338

Extract from the Minutes of Council at Colombo
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Revenue Branch
No. 1365
Colombo 23rd Dec. 1857

Colonial Secretary
Acting Secretary
Board of Revenue.

Collector of Masulipatam,
as the course which Mr
Knox pursued in bringing
into the answers without
authority, is contrary to
the orders conveyed in
the Board's Circulars
specified in the margin. C.O. 27th April 1829 page 87 Vol I
" 22d June 1840 " 287 " I
The acting Collectors inter-
ference in the first instance
was unnecessary. The Go-
vernment were no parties
to the original suit, and
their interests would not
have been affected by the
decree.

J. Copies to the Bd of Rev.
with 4 Encls. Cuttack 23

Revenue Dept.
Cuttack
No 1338.

Extract Military Cons.
Dy 22 December 57
Extract from Bd's Lett. dated 4th May 58
No 228 in Com. Dept. Madras

Declining to entertain
the defence of the Collr's subordinate
officers against the Collector of Masuli-
patam by certain Ryots of
Gollapollium in the Province
of Guntoor for the recovery of certain
Paddy, and observing that the
Government were no parties
in the original suit, and their
interests would not have been
affected by the Decree.

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