Revenue Department

Minutes of Consultations

28th April 1857

Book Nos 47-48

Order no 388 dated 28th April 1857

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர் அ.2 அலுவலர்/ஸ்தபதி

செப்பனிடுவதற்காக
எடுத்துக்கொள்ளப்பட்ட நாள் 7/10

செப்பனிட்டு முடித்த நாள் 10/10

சரிபார்க்கும்
முதலி மு.நி.பா.எ.
கையொப்பம்

சரிபார்க்கும்
2ம். நி.பா.எ.
கையொப்பம்

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்



No. 47. *Extract from the Proceedings of the Board of Revenue; dated 3d April 1857, No. 1029.*

Read letter from the Acting Collector of Salem dated 7th January 1857.*

**In Consultation 3d April 1857.*

(Here enter No. 5.)

In the above letter, the Collector of Salem reports the circumstances which have hitherto prevented the sale of the Condamanaikenputty bungalow at the foot of the Shervaroy Hills.

2. The sale of this bungalow was ordered by Government in Extract Minutes Consultation dated 8th October 1852, but on the then Collector proceeding to give effect to these instructions, a claim for quit rent on the land occupied by the buildings was urged by the Mootahdar of Cunnuncoorchy.

*P. W. D. No. 329.*

3. It appears that a suit was brought by the Mootahdar on this account in 1824, and his title was admitted to both land and buildings by the Zillah Court. On appeal however the Provincial Court modified this decision, and declared that the Mootahdar was entitled to quit rent for the land, the buildings being merely security for its due payment.

4. The appeal decision was passed in 1834, and the Collector recommended that the quit rent should be paid. To this course Government assented on condition of the Mootahdar formerly renouncing all claim to the buildings.

*20th January 1835, No. 81.*

5. Nothing however appears to have been done in pursuance of this order, the Mootahdar did not again claim payment, and none was made.

6. However on the Collector proceeding to sell the bungalow in 1853, the Mootahdar revived his claim which he stated to be Rupees 702, or in the Collector's opinion twice what the bungalow was likely to realize.

*Dated 8th March in Cons. 28th April 1853, P. W. D.*

7. The Board in the Department of Public Works instructed the Collector to offer the bungalow to the Mootahdar at a fair price, and if he declined the offer to sell the materials.

*Proceedings 28th April 1853.*

8. Mr. Brett now reports that the Mootahdar declines to purchase the buildings, but offers to take them in their present condition in full liquidation of his claims on Government.

9. The value of the buildings now much out of repair is estimated at Rupees 500. The sum due to the Mootahdar is not stated, but in 1853, he claimed Rupees 702, as far as can be gathered from the decree and previous correspondence 7 Rupees per annum appears to have been the sum adjudged.

10. The Board concur with the present Collector that the Mootahdar's claims should not now be resisted. They have already been admitted by the Courts and recognized by Government and there can be no question of their justice.

11. The Board recommend that the Collector may be authorized to make the bungalow over to the Mootahdar in satisfaction of his claims on Government.

(A true Extract.)

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

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No. 48. ORDER THEREON, *No. 388; dated 28th April 1857.*

Para. 1. The Right Honorable the Governor in Council approves of the recommendation made by the Board of Revenue in the above Proceedings, and directs accordingly that the Condamanaikenputty Bungalow at the foot of the Shervaroy Hills in the Salem district, be made over

the

to the Mootahdar of Cunnuncoorchy, in satisfaction of all claims against Government for the quit rent of the land on which the building is situated.

*S. U. Cir. Or. No. 123 page 842 of the Fort Saint George Gazette of 1851.*

2. It seems from the Collector's letter that the Decree of the Southern Provincial Court, which confirmed the decision of the lower Court, adjudging to the Mootahdar the right of levying the quit rent on the land in question, cannot now be executed under the statute of limitations; but the Government will not take advantage of their position in this respect.

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



Revenue Department

3/38d.

No. 1029.

Extract from the Proceedings of the Board of Revenue, dated 3rd April, 1857. No. 1029

Read letter from the Acting Collector of Salem dated 7th January 1857.

In Con. 3rd April 57.

(See enter No. 5)

In the above letter the Collector of Salem reports the circumstances which have hitherto prevented the sale of the Government Bungalow at the foot of the Shevaroy Hills.

P.W.D. No. 329.

2 The sale of this Bungalow was ordered by Government in Extract Minutes Consultation dated 8th October 1852, but on the then Collector proceeding to give effect to these instructions, a claim for Quit Rent on the land occupied by the buildings was urged by the Mootahdar of Cunnuncoorchy.

3. It appears that a suit was brought by the Mootahdar on this account in 1824 and his title was admitted to both land and buildings by the Zillah Court. On appeal however the Provincial Court

modified

modified this decision, and declared that the Mootahdar was entitled to Quit Rent for the land, the buildings being merely security for its due payment.

4 The appeal decision was passed in 1834 and the Collector recommended that the Quit Rent should be paid. To this course Government assented on condition of the Mootahdar formally renouncing all claim to the buildings. 20th January 1835 No

5 Nothing however appears to have been done in pursuance of this order. the Mootahdar did not again claim, & payment and none was made.

6 However on the Collector proceeding to sell the Bungalow in 1853 the Mootahdar revived his claim which he stated to be Rupees 702 or in the Collector's opinion twice what the Bungalow was likely to realize. Dated 22d March in Cons 28th June 1853. P.W.D.

The Board in the Department of Public Works instructed the Collector to offer the Bungalow to the Mootahdar at a fair price and if he declined the offer to sell the materials. Pro 28th June 1853.

Mr Brett now reports that the Mootahdar declines to purchase the buildings but offers to take them in their present condition in full liquidation of his claims on Government. 2/321

9 The value of the buildings now much out of repair is estimated at Rupees 500. The sum due to the Mootahdar is not stated but in 1853 he claimed Rupees 702. as far as can be gathered from the decree and previous correspondence 7 Rupees per annum appears to have been the sum adjudged.

10 The Board concur with the present Collector that the Mootahdars claims should not now be resisted. They have already been admitted by the Courts and recognized by Government and there can be no question of their justice.

11. The Board recommend that the Collector may be authorized to make the Bungalow over to the Mootahdar in satisfaction of his claims on Government.

(A true Extract)

J. Sm
Ag Secretary.

To
E. Forbes Esq.
Ag Secretary to Government
Revenue Department.
&c &c

the

S/3A R.D.

No 388

Extract from the Minutes of Consultations

Under date the 28th April 1857.

Read the following

Extract from the Proceedings

of the Board of Revenue.

(Vide order 3d April 1857 No 1029)

A. The Right Honorable

the Governor in Council approves

of the recommendation made

by the Board of Revenue in the

above Proceedings, and directs

accordingly that the Com:

-damaram Kempatty Bungalow

at the foot of the Shevaroy

Hills in the Salem District,

be made over to the Mootah:

-dars of Cummumcoorchy in

satisfaction of all claims

against Government for

the

Read 28 April 1857.

No 387

Extract from the Proceedings of the Board of Revenue

Dated 25th April 1857

Read the Letter from the Collector of Salem

S. No 388. 28th April

Transmitting a Letter from the Acting Collector of Salem relative to the extensive Cocoanut Tope attached to the Bungalow and the Cattle of the Mootahdars of Cummumcoorchy situated at the foot of the Shevaroy Hills; and recommending that the Bungalow be granted over to the Mootahdars of Cummumcoorchy in satisfaction of all claims of the Cultivators on the Government.

Rec'd 29th April 1857.

Recorded 30th April 1857.

Noted.

C18 Dispd No 24

the quit rent of the land on which the Building is situated.

2. It seems from the Collector's letter that the Decree of the Southern Provincial Court, which confirmed the decision of the lower Court, adjudging to the Mootahdar the right of levying the quit rent on the land in question, cannot now be executed under the Statute of limitations, but the Government will not take advantage of their position in this respect.

S.R. Cir-Or. No 123 pages 842 of the Fort St George Gazette of 1851

I Copies to the Bd of Rev with 5 Regl Orders Disp: 29

To

To Revenue Dept
Cav 28th April
No 388
Extract Advice Ord:
Dy 28th April 57.

Directing that the Landholders immediately petitioning Bungalow of the Peasants of the Mahratta Talk in the Salem District be made over to the Mootahdar of the Commissioner in Exception of all claims against Government for the pur- poses of the Campaign which the Landholders should in future be