

Revenue Department

Minutes of Consultation

5th May 1857

Back Nos 31-32

Order no. 409 dated 2nd May 1857

(9 April)

Fort Saint George, Revenue Consultation of 5th May 1857.

No. 31. Read the following letter from J. D. SIM, Esq., Acting Secretary to the Board of Revenue; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department, dated Fort St. George, 15th April 1857, No. 1137.

SIR,

From Government 28th August in Consultation 3rd September 1856, No. 906, Revenue Department.

From Actg. Collector Mr. Cherry 17th December 1856, in Consultation 2nd March 1857.

From Do. Mr. Phillips 19th March in Consultation 15th April 1857.

In returning the Petition of Ramasamyah Me-rasidar of Aulattoor in Mannargoody talook in Tanjore, referred to the Board for report, I am directed to submit, the two letters of the Acting Collector noted in the margin.

2. The object of the Petition is to procure the ejectment by means of the Revenue authorities of the present possessor of a rent free house ground, which Petitioner asserts to have been granted to the ancestor of that individual as the paracoody of his (Petitioner's) land, and to be now resumable on behalf of Petitioner as the occupant cultivates the land of another.

3. It will be seen on reference to the decree enclosed in Mr. Phillip's letter of the 19th March last, that the Petitioner's claim was fully considered and negatived by the Civil Court of Combaconum so far back as the 20th February 1849. Mr. Cherry in his letter of the 17th December 1856 describes the decree as rejecting the Petitioner's plaint as one that should be decided by the Revenue authorities; but this is an error. What the decree states is as follows:

"The appellant (Petitioner) has quite failed to establish his right by any evidence that can be relied on, while the respondents on the other hand have satisfactorily proved an uninterrupted possession of upwards of 40 years. Under these circumstances, the Civil Judge considers that the only party which could come into competition with the respondents would be the Revenue authorities on the part of Government in case they considered themselves bound to assess the land for failure of any condition on which it was originally granted rent free."

4. From the above it is plain that the Court did not recognize the power of the Revenue authorities to eject the present occupant, but on the contrary, affirmed the right of the latter to continue in possession. In reply to former addresses by the Petitioner the Government declined to interfere, and the Board are of opinion, that as regards the prayer of the Petitioner that the land should be delivered to him for his present paracoody, this resolution should be adhered to, moreover they do not think that the present case is one in which the land in question hitherto rent free should now be subjected to tax.

No. 32. ORDER THEREON, No. 409; dated 2d May 1857.

1. In their letter above recorded, the Board of Revenue report upon a Petition from one Ramasawmy of Aulattoor in Mannargoody talook of Tanjore.

2. That individual seeks to procure the ejectment, by means of the Revenue authorities, of the present possessor of a rent free house ground or manai, which he asserts to have been granted by his father to that party's ancestor, as the Paracoody of the land now held by Petitioner.

3. Petitioner's claim was apparently previously rejected by the Revenue authorities and Government. On an appeal being addressed however by the Petitioner to the Honorable Court, the Board of Revenue were desired in Extract Minutes Consultation of 18th August 1856, No. 906, to report upon the case. It now appears that the matter under notice has formed the sub-

மாதுகாபு பிரிவு-1

செயலாபிபவர பெயர் J. D. SIM

செயலாபிபவரதுகாக
எழுத நூல்கொள்ளப்பட்ட நாளி

செயலாபிபு முடிந்த நாளி

சரிபார்க்கும் சரிபார்க்கும் ஆராய்ச்சி
முதல் மு.நி.பா.எ. 2ம். நி.பா.எ. உதவியாளர்
கையொப்பம் கையொப்பம் கையொப்பம்

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Fort Saint George, Revenue Consultation of 5th May 1857.

ject of an appeal No. 24 of 1847, before the Civil Judge of Combaconum, who dismissed the Petitioner's claim with costs, and affirmed the decree of the Moonsiff of Mannargoody against Petitioner's claim, remarking that the appellant had quite failed to establish his right, while the respondents (Defendants) had satisfactorily proved an uninterrupted possession of upwards of 40 years, and under those circumstances, the Court considered that the only party who could come into competition with the present possessor would be the Revenue authorities on the part of Government, in case they considered themselves bound to assess the land for failure of any condition on which it was originally granted rent free. It is not improbable that the land, for possession of which a dispute has arisen was originally given by the Merasidar to one of his own paracoodies or cultivators, and in that case there would have been a fair claim to re-possession on the grantee ceasing to cultivate for the Merasidar, or on the land in dispute passing into the hands of any other party; but the Petitioner has failed to shew that the land was given to a paracoody, and the Government cannot interfere with the Court's decision based on long possession. The Government agree with the Board that the present possessor of the manai is entitled to the privilege of the province, and that the customary extent should be accorded rent free.

4. Ordered that Petitioner's Memorial be transmitted in the usual course to the Honorable Court of Directors, and that intimation of the same be made to him.

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

From Secy. 28th August
in Cons. 3rd Sept 1856
No 706 R.D.

From Asst Collector
Mr. Colclough 17th Dec 1856
In Cons. 2nd March 1857.
From Secy Mr. Phillips
19th March.
In Cons. 15th April 1857

Revenue Board Office,
Fort St. George
15th April, 1857.

No 1137

Sir,

I.D. Sin Esq.

Acting Secretary to the
Board of Revenue.

To

H. Forbes Esq.

Acting Secretary to Government

Sir,

Rev. Department
In returning the Petition of Manasagah
Merasidar of Subbottan in Mannargoody

Subbottan in Mannargoody, referred to the Board for report, I am directed to submit, the two letters of the Acting Collector noted in the margin

The object of the Petition is to procure the grantment by means of the Revenue authorities of the present puzuppa of a plot of free house ground which Petitioner asserts to have been granted to the ancestor of that individual as the Paracoody of the (Petitioner's) land and to be now resumable on behalf of

That

of Petitioners as the occupant cultivates the land of another.

3. It will be seen on reference to the Order enclosed in Mr. Phillips' letter of the 19th March last that the Petitioners' claim was fully considered and negotiated by the Civil Court of Combaconum so far back as the 20th February 1859. Mr. Cherry in his letter of the 17th December 1856 describes the Order as rejecting the Petitioners' claim as one that should be decided by the Revenue Authorities, but this is an error. What the Order states is as follows.

Encls 15th April 1859

In C. 2nd March 1859

"The appellant (Petitioner) has quite failed to establish his right by any evidence that can be relied on while the Respondents on the other hand have satisfactorily proved an uninterrupted possession of upwards of 40 years. Under these circumstances the Civil Judge considers that the only party which could come into competition with the Respondents would be the Revenue Authorities on the part of Government, in case they considered themselves bound to assess the land for failure of

of

3;
"of any condition on which it was originally granted
"rent free"

4. From the above it is plain that the Court did not recognize the power of the Revenue Authorities to eject the present occupant, but on the contrary affirmed the right of the latter to continue in possession. In reply to former addresses by the Petitioner the Government declared to interfere, and the Board are of opinion that as regards the power of the Petitioner that the land should be delivered to him for his present Paracost. This resolution should be adhered to. Moreover they do not think that the present case is one in which the land in question hitherto rent free should now be subjected to tax.

I have the honor to be
Sir,

Res. Board Office,
Fort St. George,
15th April 1859.

Your most Obedt Servant

J. S. Linn

Acting Secretary

To

H. J. Linn Esq.

Acting Secretary to Government
Revenue Department

2nd Feb.

1859

14.
5/10 Rev. Dep't.

N^o 409

Extract from the Minutes of Consultation
Under date the 2nd May April 1857

Read the following letter from the
Acting Secretary to the
Board of Revenue.

(Here enter 15th April 1857
N^o 1137)

In their letter
above recorded, the Board
of Revenue report upon
a Petition from one Ramaswamy
of Alattoor in the
Mangoody Talook, Tanjore
That

Received 15th April 1857

Revenue 1857 April 15th

N^o 393

From the Acting Secretary to the
Board of Revenue.

To the Acting Secretary to the
Board of Revenue.

Enclosed is a copy of a
letter from the Acting Secretary to the
Board of Revenue.

Dated 15th April 1857.

By the Acting Secretary to the
Board of Revenue.

J. B. The Acting Secretary to the
Board of Revenue.

Enclosed is a copy of a
letter from the Acting Secretary to the
Board of Revenue.

25th April 1857

That individual
seeks to procure the Exe-
cution, by means of the
Revenue authorities, of
the present possessor of
a rent free house ground or
manai, which he asserts
to have been granted by
his Father to that party's
Ancestor, as the Paracoodiy
of the land now held by Petitioner.

Petitioner's claim
was apparently previously
rejected by the Revenue
authorities and Govt.
On an appeal being ad-
dressed however by the
Petitioner to the Honble
Court the Board of
Revenue

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Revenue were desired in
Ex: collin: Con: of 18th Aug: 56
N^o 906 to report upon the
case. It now appears
that the matter under
notice has formed the
subject of an appeal N^o 54
of 1847 before the Civil
Judge of Coimbatore,
who dismissed the Petition
Naint with costs, and
affirmed the Decree of the
Moordiff of Channargoodye
against Petitioner's claim pre-
marking that the appella-
nt had quite failed to
establish his right, while
the Respondent/Defendant
had satisfactorily proved
an

an uninterrupted possession
of upwards of 40 years,
and under these circum-
stances the Court considered
that the only party who
could come into competi-
tion with the present
possessor would be the
Revenue authorities on
the part of Govt, in case
they considered themselves
bound to resume the land
for failure of any condi-
tion on which it was
originally granted rent free.

It is not improbable that
the land, for possession of
which a dispute has arisen
was originally given
by

by the ^{7/29} Meerzadar to
one of his own paracoos-
dies ^{or} Cultivators, and in
that case there would
have been a fair claim
to prepossession on the ground
of ceasing to cultivate
for the Meerzadar ^{or}
~~was~~ the land in dispute
passing into the hands of
any other party, but the
Petitioner has failed to
show that the land was
given to a paracoosy,
and the Govt cannot ^{justly}
interfere with the Court's
decision based on long
possession. The Govt agree
with the Board that the
present

Ordered that
Petitioner's Memorial be
transmitted in the usual
course to the Hon: Court
of Directors and that
intimation of the same
be made to him.

Mr. A
A/ 22

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Hopier to the Bd of Am.
with 3 High Order
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Received 1857 of
Dr. to Cash: 5th Mar.

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Extract Minutes of Court.

22 May/57.

Witnessing that the
 universal of the Nations
 have many other alterations of
 calculations in the course of
 1777. Therefore I shall be obliged
 to the Honorable Council of Charleston
 and that intimation of the same
 be made to him.

~~1409~~

4031 & 32.