Revenue Department

Minutes of Consultations

5th May 1857

Book No: 49-50

Order No: 418 dated 5th May 1857

(Orissa)

பதிவுகளிப்பு பிரிவு-I

செய்யனிருபவர் பெயர் ச.சுந்தரமூர்த்தி

செய்யனிருவதற்காக எடுத்துக்கொள்ளப்பட்ட நாள் 7/06

செய்யனிட்டு முடித்த நாள் 10/2006

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2ம். நி.பா.எ. கையொப்பம்

அளிக்க உதவியாள கையொப்

2/24

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

No. 49. 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 22d April* 1857, *No.* 1248.

SIR,

In Cons. 22d April 1857.

I am directed by the Board of Revenue to submit, for the orders of Government, the accompanying letter from the Acting Collector of Tanjore, dated 14th April 1857, submitting the pleadings in O. S. No. 8 of 1857, on the file of the Subordinate Court of Combaconum, in which the Head Assistant Collector, Mr. Grenfell, has been made a Defendant.

2. The Plaintiff claims the recovery of land valued at 16 Rupees, alleged to be unjustly appropriated. He states that this land was in the enjoyment of his father and himself for a long period ; that the Head Assistant Collector (3d Defendant) on a complaint made to him, ordered a fence planted by Plaintiff, to be removed, and directed that 30 Goolies of land attached to the tank belonging to Plaintiff's father and himself, should be left open for the ingress and egress of people. He also allowed 1st Defendant to erect a flight of steps for the tank, and desired Plaintiff to enjoy another spot of land alleged to be Circar property, but which in fact belonged to himself.

3. In his draft answer, the Head Assistant Collector denies all interference with Plaintiff's land, which remains under his control as formerly ; and states that no flight of steps has been built on it. A complaint was made to the Head Assistant that Plaintiff had, by fencing in a plot of his ground, obstructed the passage between a choultry and a tank which had been used by the people for the last 3 years, and as he was not able to prove, to the satisfaction of the Head Assistant, his right to shut up this way, the fence was ordered to be removed.

4. The subject matter of the suit may therefore be summed up in a few words. The public had a right of way for several years over Plantiff's lands, and he, from motives of animosity towards the owner of a Chuttrum close by, blocked up the passage, to prevent access from the Choultry to a tank which supplied it with water. On a complaint to this effect being brought before the Head Assistant Collector, he, after an enquiry in his official capacity, ordered the fence to be removed, and matters placed in their former state.

5. The Board approve of the proposed draft answer, but would omit the first para. as immaterial to the issue ; they have also modified the last para., and with these alterations they recommend that the Head Assistant Collector may be authorized to file it, and conduct the defence, in the first instance, at the public cost.

No. 50. ORDER THEREON, *No.* 418; *dated 5th May* 1857.

The Right Honorable the Governor in Council grants authority for the defence in the first instance at the public expense of original suit No. 8 of 1857 instituted by Vadalinga Pillay in the Subordinate Court of Combaconum against the Head Assistant Collector of the District ; but will determine when a copy of the decree is submitted, whether the costs, if any be adjudged against that officer, shall be borne by him or by the Government.

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

that this land was in the enjoyment of his father

3/618

Revenue Bd. Office,
Fort St. George,
22d April 1857.

No. 1248

From

I. D. Sim Esq.
Sy. Secretary to the Board of Revenue

To

A. Forbes Esq.
Sy. Secretary to Government,
Revenue Department.

Sir,

I am directed by the Board of Revenue to submit, for the orders of Government, the accompanying letter from the Acting Collector of Tanjore, dated 15th April 1857, submitting the pleadings in O.S. No. 8 of 1857, on the file of the Subordinate Court of Combaconam, in which the Head Assistant Collector, Mr. Grenfell, has been made a Defendant.

Inclosures 22d April 1857.

2. The Plaintiff claims the recovery of land valued at 16 Rupees, alleged to be unjustly appropriated. He states that this land was in the enjoyment of his

his father and himself for a long period;
that the Head Assistant Collector (3rd Defendant) on a complaint made to him, ordered a fence, planted by Plaintiff, to be removed, and directed that 30 yards of land attached to the tank belonging to Plaintiff's father and himself, should be left open for the ingress and egress of people. He also allowed 1st Defendant to erect a flight of steps for the tank, and desired Plaintiff to enjoy another spot of land alleged to be Circar property, but which in fact belonged to himself.

3. In his Draft Answer the Head Assistant Collector denies all interference with Plaintiffs' land, which remains under his control as formerly, and states that no flight of steps has been built on it. A complaint was made to the Head Assistant that Plaintiff had, by fencing in a plot of his ground, obstructed the passage between a Choultry and a Tank which had been used by the people for the last 3 years; and as he was not able to prove, to the satisfaction of the Head Assistant, his right

right to shut up this way, the fence was ordered to be removed. 8/4/18.

4. The subject matter of the Suit may therefore be summed up in a few words. The Public had a right of way for several years over Plaintiffs' lands, and he, from motives of animosity towards the owner of a Choultry close by, blocked up the passage, to prevent access from the Choultry to a Tank which supplied it with water. On a complaint to this effect being brought before the Head Assistant Collector he after an enquiry in his official capacity, ordered the fence to be removed, and matters placed in their former state.

5. The Board approve of the proposed Draft Answer, but would omit the first para as immaterial to the issue; they have also modified the last para, and with these alterations they recommend that the Head Assistant Collector may be authorized to file it, and conduct the defence, in the first instance,

enclosures, on the subject cited.

Comme Bte Office
Secr. to Govt
Rev. Dept
22d April 1857.

Signed Thos Pelletier Actg Secy

Issue the Report to the Govt
Sir
Signed Thos Pelletier Actg Secy

Rec. 1857 Apl 24th
Cons. 5th May
No 423

From
The Acting Secretary to the
Board of Revenue

To The Acting Secretary to Govt
Rev. Department

Dated 22d April 1857.
Rec'd 23d
4 Encls. No. 1248

Submitting a letter from the Acting Coll. of Tanjore enclosing the pleadings in O. Suit No 8 of 1857 on the file of the Sub Court of Combaconum in which his Head Assistant is a Defendant; and recommending that the latter Officer may be authorized to file his answer as modified by the Board, and to conduct the defence at the public cost.—

With an order
No. 418. 5th May

No 418

The Right Honorable the Governor in Council grants authority for the defence in the first instance at the public expense of Original Suit No 8 of 1857 instituted by Vadalinga Pillay in the Subordinate Court of Combaconum against the Head Assistant Collector of the District, but will determine when a copy of the decree is submitted whether the costs, if any be adjudged against that Officer, shall be borne by him or by the Government.

Fort St. George
5th May 1857

To Govt Rev. with 4 Encls
Encls 26

No 1950

5/4/8

c 29 April R 4 May