Revenue Department

Minutes of Consultations

26th May 1857

Book No. 3-A

Order No. 479 dated 20th May 1857

பாதுகாப்பு பாவு-1

செப்பனிடுபவர் பெயர் சி. இராமகிருஷ்ணன்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள்

செப்பனிட்டு முடித்த நாள் - 08/2006

சரிபார்த்தும் முதல் மு.நி.பா.எ. கையொப்பம்

அ.உ கையொப்பம்

Fort Saint George, Revenue Consultation of 26th May 1857.

No. 3. Read the following Extract from the Proceedings of the Board of Revenue; dated 8th May 1857, No. 1465.

Read letter from the Acting Collector of Masulipatam, dated 9th April 1857,* submitting a Plaint filed in the Civil Court of Masulipatam in O. S. No. 125 of 1856, in which the Sub-Collector has been made a Defendant, and forwarding for approval the draft of an answer proposed to be filed in the case.

*In Con. 8th May 1857.

(Here enter No. 38.)

Resolved that the foregoing letter and its accompaniments be submitted for the orders of the Right Honorable the Governor in Council.

2. The Plaintiff claims the Curnumship of the Tantagoonta village in the Vissunnahpettah Mootah, as the cousin and adopted son of C. Seetiah one the former Curnums.

3. This Mootah was recently held by Government as an escheat, but has now been made over to a private individual by order of the Sudder Udalut.

4. From the Acting Collector's explanation it appears that there were 2 Curnums attached to the above-named village. One of whom, C. Sashia, the working incumbent, was dismissed in 1853 whilst the estate was under management as Government property, and another party appointed in his stead. The other, Seetiah, in whose right the Plaintiff now claims, was a private sharer and performed none of the duties of the office. Subsequent to the dismissal of Sashia, the Tahsildar in 1855, recommended the appointment of Seetiah as Joint Curnum with the new incumbent, but the Sub-Collector declined compliance as the village was small and the Baziz only amounted to 1,000 Rupees.

5. It does not appear why Seetiah, supposing him to be competent, was not appointed on the dismissal of his party, and as matters stand, enquiry into this point would be of no avail.

6. Seetiah subsequently died, and Plaintiff now seeks to be registered as owner of his share by virtue of an alleged adoption.

7. The Board propose to rest the defence solely on the plea that the Sub-Collector had authority at the time to pass the order complained of, as the estate was then in the possession of Government, that Petitioner had the power of appealing to the Collector but failed to do so, and that as the estate has now passed into the hands of a private proprietor, Plaintiff must apply to him only, or sue him for the admission of his claims, inasmuch as Government cannot now afford the redress sought or interfere in the matter.

8. The Board do not consider the first plea proposed by the Acting Collector tenable, because it in fact would deprive Plaintiff of all means of redress, as the Revenue Authorities could not at present take cognizance of the matter. The Acting Collector's second plea also seems to the Board invalid, and is in fact merely a variation of the first.

9. A revised draft answer has been prepared by the Board, and they resolve to request the sanction of Government for the defence of the suit in the manner now proposed.

(A true Extract.)

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

No. 4. ORDER THEREON, No. 479; dated 20th May 1857.

The Right Honorable the Governor in Council grants authority for the defence in the first instance at the public expense of O. S. No. 125 of 1856, instituted by Castalah Surrazoo alias Survanah in the Civil Court of Masulipatam against the Sub-Collector of the District; but will determine when a copy of the Decree shall be furnished whether the costs, if any be adjudged against the Sub-Collector, shall be borne by that officer or by the Government.

2. The answer as revised by the Board of Revenue is approved.

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

3/479 2.

Draft of an answer proposed to be presented by the 2nd Defendant Mr. M.C. Chase, the present acting Sub Collector, to the Plaint No 125 of 1856, Civil Courts file; preferred by the Plaintiff Custala Surrayya alias Surranah, Cousin and adopted Son of Custala Seetah, alleged last Caimuny of Tantaconta.

The Caimunship which the Plaintiff claims belongs to a village in Vassamapett Mootah, which was then Government property, and was only made over to the alleged creditor of the late Zemindar, because the Court of Sudr Adalut so ordered. Orders respecting this Caimunship and Plaintiffs claim, were issued when the Estate was in the possession and enjoyment of Government.

2. The 2nd Defendant submits that as his orders adverse to the Plaintiff were passed while the Estate was under the management of Government as a supposed Escheat, they do not subject him to an action at Law, as under Regulation VII of 1831 he was then competent to pass them, and the Court at that time had

had no jurisdiction as regards the Exam. Plaintiff. If dissatisfied could have appealed to the Collector, which he failed to do. Subsequently when the Estate had been delivered over to the Proprietor, the Plaintiff was at liberty to take the share of the Exam he claims from that person; and failing to obtain it should sue him only, and not the Planter Authorities who have no direct concern in the matter.

I have &c

Acting Secretary.

Exd
A Mackenzie

4/479

Colombo Cutcherry
Proceedings from the
Secretariat Office
Board of Revenue
the allegations of
Pandaram
Pattaseeny Exam
Appellant

Pony 88

Appellant in the above
proceeds to the Supreme
the 20th instant and
Court, the Proceedings
Collector, to the Plaint
of 1836, Civil Court of
by the Plaintiff Carlo
Exam and a Pattaseen
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that Captain of Port

Rec: No 501.

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-or and Dist: Engr.
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-poly from cutting
a certain Channel,
Re B. Hon: the Presum
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since Harbored &
-published an Opinion
that the Govt Pleader
-speck

Dec. 1st 1901.

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194 of the volume of
the Rds Cn: order
sent out to Districts.
in par: graph 3 on
page 193. and in
par: graphs 1. 2 &
4 on page 194. the
Government direct
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importance
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It does not
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-ference through
the Govt Readers
Office. [illegible]

Perhaps - then - it
will be better - though

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G79

Revenue Department.

No. 1465

Extract from the Proceedings of the Board of Revenue dated 8th May 1857.

Read letter from the Acting Collector of Masulipatam, dated 9th April 1857, submitting a Plaint filed in the Civil Court of Masulipatam in O.S. No. 195 of 1856, in which the Sub Collector has been made a Defendant, and forwarding for approval the Draft of an Answer proposed to be filed in the case.

(Mem. Enclosure No. 38)

Resolved that the foregoing letter and its accompaniments be submitted for the orders of the Right Honorable the Governor in Council.

2 The Plaintiff claims the Curnumship of the Santagonta Village in the Vissannahpettah Mootah, as the Cousin and adopted Son of C. Seetiah one of the former Curnums.

3. This Mootah was recently held by Government as an Escheat, but has

Read in Board
The Revenue power
of Government the last
Pleader. write Govt.
This defence should stand
over for further consideration
If
If
If
above stand