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Revenue Department

Minutes of Consultations

26th May 1857

Book No. 28-29

Order No. 492 dated 23rd May 185

(5+2) = 7 Sheets

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர் கி. ஸுப்பராயன்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 7/06

செப்பனிட்டு முடித்த நாள் 7/06

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

கையொப்பம்

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

No. 28. Read the following Extract from the Proceedings of the Board of Revenue; dated 16th May 1857, No. 1608.

**In Con.* 16*th May* 1857, *No.* 1546.

Read letter from the Collector of Tinnevelly dated 25th April 1857,* requesting authority to defend suit No. 1 of 1857 on the file of the Principal Sudder Ameen's Court, in which he has been made a party.

(Here enter No. 136.)

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

2. The Plaintiff seeks to recover a piece of land sold by the Collector for arrears of revenue.

3. The Plaintiff maintains that he was not liable to the tax for which his land was sold, as all Palmirah and other Tope trees are exempted from payment by a recent order of the Board of Revenue.

4. The Collector explains (and correctly) that this is an error, and that the order referred to by Plaintiff applied only to scattered trees standing on Puttah lands paying assessment, and not to trees in Topes.

From Collector 9*th December* 1856, *in Cons.* 24 *March* 1857.
Proceeding to Collector 2*d May* 1857.

5. It should be remarked that Petitioner appealed to the Board, who ruled that he was liable to the tax to which he objected.

6. The Board are of opinion that the question at issue is one in which the Courts of Udalut have no jurisdiction.

**Vide notes* 2, 3 *and* 4, *C. O. Book Vol.* 1 *pages* 116 *to* 120.

7. In such cases the remedy lies in an appeal to the Board and Government, with whom it rests to review a Collector's proceedings in revenue matters.* The Board are therefore of opinion that a demurrer to the jurisdiction of the Courts should be filed in the present case.

8. With this view they have prepared a short draft answer which is herewith submitted for approval.

9. Should the Government concur in opinion with the Board, they request that sanction may be given for filing the demurrer and conducting the proceedings in the first instance at the expense of Government.

(A true Extract.)

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

No. 29. ORDER THEREON, No. 492; dated 23d 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. 1 of 1857, instituted by Chithumbala Nadan in the Principal Sudr Ameen's Court of Tinnevelly, against the 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 Collector shall be borne by that officer or by the Government.

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

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

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Draft Answer proposed by Board of Revenue

The Collector submits, on behalf of himself and the other defendants, that this is not a case within the jurisdiction of the Court. There is no provision in the Regulations which authorizes the Courts to interfere in the settlement made by a Collector with the Ryots, or to direct the grant of any pumpsheds. If dissatisfied with the Collectors proceedings in revenue matters, it is open to a ryot to appeal to the Board of Revenue, and to Government, with whom it rests to reverse and overrule or confirm them, which last in this case the Board of Revenue have done in their order dated 2nd March 1857. On these grounds the Collector, under instructions from Government, prays the Court to dismiss the suit with costs.—

Asst Secretary.

E. B. Thomson

In a letter from the
Acting Secretary to the
Board of Trade to the
Acting Secretary to Govt
dated 16th May 1857
No 1808

Draft of Answer
to said Ltr of 1857 as
proposed by the Board-

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Revenue Department

No 28 Read Letter No 1608

Extract from the Proceedings of the Board of Revenue
dated 16th May 1857. No 1608

Read letter from the Collector of
Tinnevelly dated 25th April 1857, requesting
authority to defend Suit No 1 of 1857 on the file
of the Principal Sudder Ameen's Court, in which he
has been made a party.

16 May 1857 No 136

(Vide Entd No 136.)

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

2. The Plaintiff seeks to reassess a piece
of land sold by the Collector for arrears of Revenue.

3. The Plaintiff maintains that he was
not liable to the tax for which his land was
sold, as all Palmyrah and other Tope trees are
exempted from payment by a recent order of
the Board of Revenue.

4. The Collector explains (and correctly) that
this is an error, and that the order referred to
by Plaintiff applied only to scattered trees standing
on Puttah lands paying assessment, and not

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to trees in Topes.

5. It should be remarked that Petitioner appealed to the Board, who ruled that he was liable to the tax to which he objected.-

6 The Board are of opinion that the question at issue is one in which the Courts of Udalut have no jurisdiction

7. In such cases the remedy lies in an appeal to the Board and Government, with whom it rests to review a Collectors proceedings in revenue matters* The Board are therefore of opinion that a demurrer to the Jurisdiction of the Courts should be filed in the present case.

8 With this view they have prepared a short draft Answer which is herewith submitted for approval.

9. Should the Government concur in opinion with the Board, they request that sanction may be given for filing the demurrer and conducting the proceedings in the first instance at the expense of Government.

(A true Extract)

J. P. Lun
Acting Secretary

To H. Forbes Esq
Acting Sec. to Government,
Rev. Department.

Ex. Mundagoor

From Coll. Rg. Feb 1856
in Cuss 3 Transl 1857
Rev. & C.B. Regt Mang.

*Vide Mahs 2.37 &
C&R Book Vol 1 pages
116 & 120.

Rec. 15th Feb 1856
Regd. 26 Feb 1856
C.P.S. 356

Petition from the Rao Bahadur Vasudeo Bapoojee Desai Deputy Collector of Kaira praying for the refund of Rupees 2018-2-3 Rupees 1857

C.P.S. 1603

Sir Lucas.

Submitting a letter from the Collector of Kaira, covering a petition of the Rao Bahadur Vasudeo Bapoojee Desai Deputy Collector of Kaira praying for the refund of Rupees 2018-2-3 Rupees levied by the Collector of Kaira on account of Inam Commission Cases, in the opinion herein contained.

The Answer as prepared by the Board of Revenue is approved.

2. The Right Honorable the Governor in Council grants to the Petitioner the sum of Rupees 2018-2-3 Rupees out of the funds at the disposal of Government for the purposes of Act No. I of 1852 entitled by Enactments Nos. I of 1852 and the Rules framed under Section 4 of the said Act.

Ordered that a copy of the Petition and Answer be forwarded to the Collector of Kaira for information and guidance.

No. 492

Mr. Right Honorable the Governor in Council grants to the Petitioner the sum of Rupees 2018-2-3 Rupees out of the funds at the disposal of Government for the purposes of Act No. I of 1852 entitled by Enactments Nos. I of 1852 and the Rules framed under Section 4 of the said Act.

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Ordered that a copy of the Petition and Answer be forwarded to the Collector of Kaira for information and guidance.

No 4292

C.P.S. 1603

Sir Lucas.

Submitting a letter from the Collector of Kaira, covering a petition of the Rao Bahadur Vasudeo Bapoojee Desai Deputy Collector of Kaira praying for the refund of Rupees 2018-2-3 Rupees levied by the Collector of Kaira on account of Inam Commission Cases, in the opinion herein contained.

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