

Revenue Department

Minutes of consultations

4th August 1857

Back Numbers 15-17

Order no 1169. dated 30th July 1857

2

12

Fort Saint George, Revenue Consultation of 4th August 1857.

No. 15. Read the following Papers.

To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, President and Governor in Council, &c., &c., &c., Fort Saint George.

The humble Petition of Audiveerargava Moodelly and Ponumbela Moodelly, sons of the late Vadaghrée Moodelly and Aurimootta Moodelly, Meerassidars of Congary and Maumbett villages situated in Caroonghooly talook of Chingleput; dated Madras 9th June 1857.

MY LORD,

That your Petitioners have duly received the endorsement of Government dated 23d May on their annexed Petition dated 19th of the same month 1857, and in obedience to the instructions therein contained they beg leave to forward herewith their former Petition of 19th May 1857, and 11 enclosures consisting of the Collector's and Board's endorsements together with the decree of the Civil Court, &c., as mentioned in the annexed list.

That your Petitioners respectfully submit that para. 2 of Board's endorsement dated 23rd September 1856 on their Petition (No. 2) your Petitioners are referred to the Civil Court from the decision of which upon a review of the proceedings, the Civil Judge confirms the decree of the District Moonsiff and reverses the decree of Sudr Ameen Mooftee as per enclosed No. 8 A. Thus it will be observed that this decree is favorable to your Petitioners, and they presume that the Collector in giving his decision has recourse to an unfavorable decision on a previous date.

That your Petitioners will not encroach much upon the time of your Lordship in Council, but they pray that their case may be sifted and redress afforded to them by the restoration of their meerasy which decended ancestrally to them, and for which your Petitioners shall as in duty bound ever pray.

To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, President and Governor in Council, Fort Saint George.

The humble Petition of Audeveerargava Moodelly and Ponumbela Moodelly, sons of the late Vadaghrée Moodelly and Aurimootta Moodelly, Meerassidars of Congary and Maumbett villages situated in Caroonghooly talook of Chingleput Zillah; presented by M. Rungia Naidoo their constituted Agent, dated 19th May 1857.

MY LORD,

That your Petitioners ancestors enjoyed the Meerasy of the above villages, viz. Congary and Maumbett in the district of Chingleput before the Collectorship of Mr. Plase, in whose time the Hyzara and Cowl Putta were granted. That in 1837 some of the Poyakaries of the village conspired together and attempted to dispute the rights of your Petitioners, when the case was referred to the then Head Assistant Collector Mr. John Bird, who on the 19th September 1837 enquired into it and fined three of them at 5 Rupees each, in default of payment one month's imprisonment in Zillah Jail, and ordered them to appeal to the Civil Court if they had any right to the said villages.

That the Poyakaries accordingly entered a suit in the District Moonsiff's Court at Caroonghooly against Petitioners in No. 114 of 1837, that an enquiry was made, the result of which was, that the rights of your Petitioners were fully established, and the complainants were thereupon ordered to pay the costs.

That the said Poyakaries then resorted to the Mooftee Sudr Ameen's Court in Appeal No. 121 of 1838, when, however, the decision of the District Moonsiff's was reversed.

favorable

பாதுகாப்பு மறு-1

செப்பனியவர் பெயர்

செப்பனியவர்க்காக எடுத்த
கொள்ளப்பட்ட நாள்

செப்பனியர் முடிந்த நாள்

செப்பனியர்க்கும்
முதல் ரு. நி. பா. ஏ.
கையொப்பம்

செப்பனியர்க்கும்.
2ம். நி. பா. ஏ.
கையொப்பம்.

சுராமச்சி
உதவியாளர்
கையொப்பம்

10/96

10/96

19/7/07

21/8/07

Fort Saint George, Revenue Consultation of 4th August 1857.

That the Petitioners aggrieved at this decision made a special appeal to the Civil Judge in No. 61 of 1839, who upon a review of the whole proceedings, quashed the decision of the Mooftee Sudr Ameen, and confirmed that of the District Moonsiff as follows.

"The Judge therefore confirms the decree of the District Moonsiff and reverses that of the Sudr Ameen Mooftee and decrees that special respondents pay all costs in appeal and special appeal suits as hereunder specified."

That during the Jumabundy of 1855, Mr. B. Pouncefote the present Head Assistant Collector, on the 31st March of that year, issued to your Petitioners the usual Meerassy Putta and to the Poyakaries the Soogavasy Putta.

That after the expiration of about two months, the Poyakaries procured the friendship of the Naib Serishtadar, who got the Collector to give the Meerassy Putta to the said Poyakaries by misrepresenting that they are the Meerassidars. That subsequently, the Naib Serishtadar sent for the Curnum of the said villages and caused to make the entry in the village account; the Curnum refused; and he was therefore detained in the Cutcherry for about 2 or 3 days; by intimidation of fines and dismissals had the entry to be made in the account as desired.

That thereupon your Petitioners addressed the Collector, but obtaining no redress they appealed to the Board, that the Head Serishtadar may make an enquiry into this case. That the Board with much justice ordered the Collector to do so, but the influence of Vurtha Charry, the Naib Serishtadar, being such that he biased the mind of the Collector, who made some reference to the Board, the contents of which your Petitioners are not aware of, excepting that they received intimation from the Board to go to the Civil Court.

That your Petitioners, with reference thereto, proceeded to the District Moonsiff's Court, where they were informed that the case was already decided in their favor by the District Moonsiff, and confirmed by the Civil Judge, that a revival of the enquiry will lead to the same result, and that it will be of no use; as the Board of Revenue will cancel it by a letter.

That your Lordship in Council will observe the ancestral possession of these villages by the enclosed decision of the Civil Judge, which have been also in the uninterrupted enjoyment of your Petitioners previously to the year 1837, or upwards of 70 years. That when latterly an attempt was made, the Civil Courts under your Lordship's administration decided in favor of your Petitioners, and in consequence, it will be evident that the Meerassy Putta was given in the Jumabundy of 1855 to your Petitioners, but soon after however, the influence of Vurtha Charry, the Naib Serishtadar, disturbed the uninterrupted possession by your Petitioners of these villages. That the proceeding of the Collector here is contrary to Regulation V. of 1802, Circular Order of Sudr Court of 30th September 1832 and Section 57 of Act II of 1855 to set aside the decision of the Civil Courts. That your Petitioners think it necessary here to draw your Lordship's particular attention to show by what inducement Vurtha Charry the Naib Serishtadar is so actively acting in this case. That the said Poyakaries bribed him with money; this is a serious charge; but they are prepared to prove, and when they offer that proof, not only the disqualification of the Naib Serishtadar becomes apparent, but your Petitioners deserve protection at the hands of a just Government for the injustice they are suffering; in the mean time your Petitioners respectfully beg to submit an original Putta under the counter signature of the Naib Serishtadar himself, which, if there is nothing else, is enough to show the act of the said Naib Serishtadar. That your Petitioners beg to add that if they are to be frequently tossed about to and fro the Civil Courts, not only the expences will be extremely heavy on them, but the cultivation will be materially neglected to their detriment and loss.

That your Petitioners, under these circumstances, entreat that your Lordship in Council will be pleased to observe all the enclosed papers; and on a review of them, if your Petitioners claims are just, be graciously pleased to order the restoration of their ancestral rights to those villages, otherwise, have the goodness to cause the Head Serishtadar of the Chingleput Collectorate to enquire into the matter of this Petition, and report to your Lordship in Council the result of his investigation for final adjudication.

And for which your Petitioners shall as in duty bound ever pray.

Fort Saint George, Revenue Consultation of 4th August 1857.

No. 1276 of 1857.

Referred to the Board of Revenue for brief report. The decision of 1840, would appear to be in favor of Petitioners though it does not seem certain that the point at issue was then precisely the same as at present.

FORT SAINT GEORGE,
15th June 1857.

By Order.
(Signed) M. NORMAN,
Deputy Secretary to Government.

No. 16. From L. FORBES, Esq., Acting Sub-Secretary to the Board of Revenue; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department, dated Fort St. George; 16th July 1857, No. 2401.

SIR,

With reference to the endorsement of Government dated 15th Ultimo on Petition No. 1276 of 1857, I am directed to submit the following report.

2. The Collector it appears considered* that in Bernard's Tarapady and other standard accounts, Rama Woodian and others the opponents of the Petitioners were clearly recognized as Meerassidars; he also states in his letter of 26th August 1856 that Rama Woodian was appointed a Puttah Monigar of the village by the former Collector, on the understanding that he was a Meerassidar; he accordingly issued to them the Meerassputtah.

*Endorsement dated 7th July on Petitions.
3135 of 1855.
130 } 1856.
1232 }
803 of 1857.

In. Cons. 23d September 1856.

3. Having thus disposed of the case according to his own view of the relative claims of the disputants, he had no alternative but to refer the aggrieved party to the Civil Court, and as the question was more properly adjudicable by the Civil Tribunals, the Board did not think fit to interfere.

4. The Petitioners plead that the Collector's decision is at variance with the decree passed in S. A. S. No. 61 of 1839, which, they allege, established their Meerassy right in the villages named.

5. On referring to this decree it will be found that the original suit was instituted for recovery of the Meerassy lands, and that the Plaintiffs, the parties to whom the Petitioners now object were then non-suited on the ground that the question at issue could not be disposed of until the main point in the case, viz. the Meerassy right in the villages had been established, and that this could only be done by bringing a fresh suit.

6. Whatever may be thought of the relative value of the claims as set forth in these decrees, and the Board are disposed to view that of the Petitioners with the more favor, it is clear that the Civil Court's judgment did not contemplate a final disposal of the Plaintiff's claim and did not pronounce a decision in favor of either party.

7. The Collector therefore was unfettered in his decision by any previous order or decree, but the Board think sufficient ground has hardly yet been shewn for his transfer of the Meerassputtah from Petitioners to their opponents.

8. It appears from the original decree (confirmed in special appeal) that a Cowle granted in 1790, recognized the 1st Defendant's father (1st Petitioner's grandfather) as Meerassidar and that the Defendants continued to be entered as Meerassidars. It also appears from the special appeal decree that in 1829 the Defendants sued the Woodians, the adversaries of the present Petitioners, for the value of the produce of certain Maniem lands, apparently the same as those in issue in 1840, pleading, as now, their Meerassy right, and that although no decision was given in respect to the Meerassy right itself, a portion of the sum sued for was adjudged to them.

9. The Petition No. 1276, is herewith returned.

Favorable

Fort Saint George, Revenue Consultation of 4th August 1857.

No. 17.

ORDER THEREON, No. 769; dated 30th July 1857.

1. Petitioners complain that their Meeras right has been transferred by order of the Collector to their opponents whom they assert to have no claim to it; and they further state that the Collector's order is at variance with a decree of the Court in their favor. On appealing to the Board the Petitioners were referred by that body to the Civil Court as the proper tribunal to adjust such differences.

2. In their present report the Board shew that the precise question of with whom does the Meeras right rest, has not been litigated before the Court, and that therefore Mr. Shubrick has contravened no judicial decision; but they are nevertheless of opinion that "sufficient grounds have hardly been shewn by the Collector for his transfer of the Meeras puttah from the Petitioners to their opponents."

3. This being the case, the Government resolve to cancel so much of the Board's endorsement above quoted as referred the Petitioners to the Civil Court, and to request the Board of Revenue to modify the Collector's order depriving Petitioners of their alleged rights, as to them may seem proper.

4. Ordered that the following endorsement be passed on Petition No. 1276 of 1857.

"Petitioners are informed that the Board of Revenue will be prepared to admit an appeal from the Collector's order, on such being presented to them."

Ordered also that the original enclosures received with Petition 1276 of 1857 be returned forthwith to Petitioners through the Collector of Chingleput.

(Signed) H. FORBES,

Acting Secretary to Government.

To
The Right Honorable
George Francis Robert Lord Morris. President
Governor-in-Council

For
Fort Saint George

The humble Petition of Andiveeragavara
Moddely and Ponnumbela Moddely sons
of the late Vadaghere Moddely and
Aurimotta Moddely, Kharaydars of
Longary and Nannumbett villages situated
in Karanaghoody Taluk of Chingleput

My Lords,

That your Petitioners have duly received the
endorsement of Government dated 23rd May on their an-
nexed Petition dated 19th of the same month 1857 and
in obedience to the instructions therein contained they beg
have to forward herewith their former Petition of 19th May
and 11 enclosures consisting of the Collector's and Board's
endorsements together with the decree of the Civil Court as
mentioned in the annexed list.

That your Petitioners respectfully submit that
para 2 of Board's endorsement dated 23rd September 1856 on
their Petition (N^o 2) your Petitioners are referred to the Civil
Court from the decision of which upon a review of the proceedings
the Civil Judge confirms the decree of the District Munsif
and reverses the decree of Subr. Munsif as per en-
closed N^o 8-A. Thus it will be observed that this decree is

favorable

favorable to your Petitioners and they presume that the Collector in giving his decision as recourse to an unfavorable decision on a previous date

That your Petitioners will not encroach much upon the time of your Lordship in Council, but they pray that their case may be settled and redress afforded to them the restoration of their meersay which descended anatorially to them and for which your Petitioners shall as in duty

Made as
9th June 1857 }
Ever Dear
Governor
Colonel Munro

N. 1276 of 1857.

Referred to the Board of Revenue for brief report. The decision of 1820, would appear to be in favor of Petitioners though it does not seem certain that the point at issue was then precisely the same as at present.

By Order
Fort St George,
15 June 1857.
W. M. Munro
By Secy to Govt.

To

The Right Honorable

George Francis Robert Lord Harris

President and Governor in Council

Fort Saint George

The humble Petition of Sudiveraragava Moodilly and Pennumbela Moodilly sons of the late Vadashree Moodilly and Suri-moodilly Moodilly Meerasypars of Bongary and Mambell villages situated in Caroon-gheedy Talook of Chingleput Zilla presented by M. Rungia Naidoo their constituted Agents

My Lord,

That your Petitioners against the Meers of the above villages in the District of Chingleput before the late Mr. Place, in whose time the Hyza and Chul Patta were given. That in 1837 some of the Poyabaries of the village conspired together and attempted to dispute the rights of your Petitioners, when the case was referred to the then Meers Officer and Collector Mr. John Bird, who on the 19th September 1837 enquired into it and fined three of them at 5 Rupees each, in default of payment one month's imprisonment in Zillah Jail, and ordered them to appeal to the Civil Court if they had any right to the said villages.

That the Poyabaries accordingly entered a suit in the District Meersiff's Court at Caroon-gheedy against Petitioners in N. 114 of 1837 that an enquiry was made, the result of which was, that the rights of your Petitioners were fully established, and the complainants were thereupon ordered to pay the costs.

That the said Poyabaries then resorted to the Meers of the District Meersiff's Court in Appeal N. 121 of 1838, when, however, the decision of the District Meersiff was reversed.

That the Petitioners aggrieved at this decision made a special

That your Lordships in Council will
show the unconditional possession of these
villages by the enclosed decision of the
Civil

That your Petitioners, under these circumstances
entreat that your Lordship-in-Council will be pleased
to observe all the enclosed papers, and on a review
of them, if your Petitioners' claims are just, be
graciously

graciously pleased to order the restoration of their
 ancestral rights to those villages, otherwise,
 have the goodness to cause the Head Samastadar
 of the Chinghaput Collectorate to enquire into the
 matter of this Petition and report to your Lord-
 ships in Council the result of his investigation
 for final adjudication.

And for which your Petitioners shall as
 in duty bound.

Ever Pray,

9th May 1857

M. W. S. & N. W. S. O. S.

Constituted Agent to the Petitioners

of the enclosed papers accompanying the
 annual Petition to the Right Honorable the
 Governor in Council dated 9th June 1857.

No 1. Collector's endorsement

No 2, 3, 5, 6, 7. Boards - 3rd

No 8. A Decree of the civil Court.

No 9. District Munsiff

No 10. A Judgment of John Bird

No 11. A Counsel of collector Place

No 12. A Smallly

No 13. A Smallly

No 14. A Smallly

No 15. A Smallly

No 16. A Tutta under the signature of - ^{Signature of the Master} ^{Signature of Vithal Chav}

No 17. A Tutta under the signature of - Phillips

No 18. A Tutta under the signature of - Fullerton

No 19. A Tutta under the signature of - Pannafote

No 20. A Tutta under the signature of - Thompson

No 21. A Tutta under the signature of - Swinton

No 22. A Tutta under the signature of - Petas

No 23. A Tutta under the signature of - Cadell

Total enclosures No 11

By ^{Signature of the Master} ^{Signature of Vithal Chav}

Revenue Board Office,
Fort St. George,
16 July 1857.

No 2401

From L. Forbes Esq.
Asst. Secretary to the Board of Revenue.

To H. Forbes Esq.
As Secretary to Government
Revenue Department.

Sir,
With reference to the Endorse-
ment of Government dated 15th March on
Petition No 1276 of 1857, I am directed to
submit the following report.

The Collector A. appears con-
sidered that in Bernard's Sarapady and
other Standard accounts, Rama Woodian
and others the opponents of the Petitioners
were clearly recognized as Meerassidars,
he also states in his letter of 26 August
1856 that Rama Woodian was appointed
a Pattab Monigar of the Village by the
former Collector, on the understanding
that he was a Meerassidar, he accordingly
issued to them the Meerassipattab.

Having

Document dated 7th July
Petitioners
3135 of 1855.
130 1856.
1232 1856.
803 of 1857.

Vol. 23rd Sept 1856.

12th July 1857
Revenue 1857
25th Sept 1857
P.D.

been made, necessary
against the decision
of the Collector, confirmed
by the Board of Revenue.
Accordingly the Board
of Revenue:

From the Revenue
Department of Government
Revenue Department
12th July 1857
Revenue 1857
25th Sept 1857
P.D.
The Board of Revenue
has been directed to
submit the following
report to the Board of
Revenue.

3. Having thus disposed of the case according to his own view of the relative claims of the disputants, he had no alternative but to refer the aggrieved party to the Civil Court, and as the question was more properly adjudicable by the Civil Tribunal, the Board did not think fit to interfere.

4. The Petitioners plead that the Collector's decision is at variance with the decree passed in S.A.S. No 61 of 1839, which, they allege, established their Meerassy right in the villages named.

5. On referring to this decree it will be found that the original suit was instituted for recovery of the Meerassy lands, and that the Plaintiffs, the parties to whom the Petitioners now object were then not suited on the ground that the question at issue could not be disposed of until the main point in the case, viz: the Meerassy right in the villages had been established, and that this could only be done by bringing a fresh suit.

Whatever maybe thought of

6. of the relative value of the claims as set forth in these decrees: and the Board are disposed to view that of the Petitioners with the more favor. It is clear that the Civil Court's judgment did not contemplate a final disposal of the Plaintiffs' claims and did not pronounce a decision in favor of either party.

7. The Collector therefore was unfettered in his decision by any previous order or decree, but the Board think sufficient ground has hardly yet been shown for his transfer of the Meerassy puttah from Petitioners to their opponents.

8. It appears from the original decree (confirmed in special appeal) that a Coule granted in 1790 recognized the 1st Defendant's father (1st Petitioners grandfather) as Meerassidar and that the Defendants continued to be entered as Meerassidars. It also appears from the special appeal decree that in 1829 the Defendants sued the Woodians, the adversaries of the

the present Petitioners for the value
of the produce of certain manum lands,
apparently the same as those in issue
in 1840, pleading as now their Memory
right, and that although no decision
was given in respect to the Memory
right itself, a portion of the sum
sued for was adjudged to them.

9. The Petition No 1276 is
herewith returned.

Recd Board Office,
Fort St. George,
16 July, 1857

I have the honor to be,
Sir,

Your most obedt Servant,

L. Darke.

Asst Secy

To
H. Forbes Esq

Asst Secretary to Government
Revenue Department

July 12 28

No 16.

Revenue 1837 Sept.
25th 4th Aug.
\$ 815
The applicant
to the Board of Revenue.
to the agent on duty
at the Government
Office.
Dated 16th July 1837
No 17th 30th July
1837.
The applicant on the
subject of the
No 17th of 1837.

769. (1)

Extract from the Minutes of Consultation
July 30th

Read again the following
Petitions presented.

Here enter No 1276 of 1837

Read also letter from the
Sub Secy. of the Board of
Revenue Reporting upon
the same.

1. Petitioners complain that
their necessary right has
been transferred by order
of the Collectors to their
opponents whom they
aspire to have no claim
at all; & they further
state that the Collectors
order is in variance with
a decree of the Court
in their favour. On
appearing to the Board

the Petitioners were
 referred by that body
 & the Civil Court as
 the proper tribunal to
 adjust such differences
 2 In their present
 report the Board
 shew that the precise
 question of with whom
 does the Meeras right
 rest, has not been
 litigated ^{before} the Court
 and that therefore
 W. Shabrick has contra-
 vened ^{Judicial} decision
~~by them~~ But they
 are nevertheless of
 opinion that "suffici-
 ent grounds have
 "hardly been shewn by
 "the Meeta for his trans-
 "fer of the Meerasputtah
 "from the Petitioners

Para 2 of Board's Resoln
 on Petn No 3135
 of 1855 dated 23 Sept
 1856.

Board's letter p 7.

Can this be done?
 In case does not
 under Registrar
 and lower headquar-
 ters the right to the land
 is clearly one for the
 Joint Govt & the Bd
 only modify the
 former order so far
 as to place the parties
 in the condition they
 were before his order
 referring the details
 for ready to the
 Govt

"Steel Opponents."

3. This being the case,
 the Govt resolve to Cancel
 so much of the Bd's
 endorsement above
 quoted as referred the
 Petrs to the Joint Govt
 and to direct the
 Bd of Revenue to ~~execute~~
~~specifically~~
~~a formal appeal~~
~~decision~~ from the
 Collector order depri-
 ving Petrs of their
 alleged rights, ^{as to}
~~the merits of the case?~~
4. Ordered that the
 following endorse-
 ment be passed on
 Petn No 1270 of
 1837.
 "Petrs are informed
 "that the Board of

"Revenue will be prepared

"to admit an appeal

"Petⁿ from the Collector

"order, on such being

"presented to them"

Ordered also that the
original enclosures
received with Petⁿ

1276 of 1852 be returned

forthwith to Petⁿ

through the Collector

of King's College

Wm. D. D.

July 23.

Copies to the Adm^r of the Disb^y 31st
with Encl^s

1 - P^r Dep^y Sec^y
with 10 Encl^s of the P^r

224 July

(13)

(13)

14.

Revenue 1857 Sept 18.
20 18 and 4th Aug 5

Ms. 769.

Reb. 21. 1861

2730th July 157.

According to a counsel
much of the Act is intended
and referred to. It is intended
that the Court, by modifying
the Act of 1800, to modify the
Court's own definition of
the end of their address
rights - by informing
them that the Act with the
purpose to admit an
official letter from the
Court's Court on such
being prudent to them

Mo/5 at 17.