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Revenue Department

Minutes of Consultations

8th September 1857

Back Numbers 45 - 46

Order No 902 dated 8th Sept 1857

Registered

பயங்காயபு பாவு - 1

செப்பனிடுபவர் பெயர் பா. விஜயகுமார்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 11/06

செப்பனிட்டு முடித்த நாள் 1/07

சரிபார்க்கும் முதல் மு.நி.பர்.எ. கையொப்பம்

பரிசோதனை உ.நி.பா.எ. கையொப்பம்

ஆராய்ச்சி உதவியாளர் கையொப்பம்

Fort Saint George, Revenue Consultation of 8th September 1857.

No. 45. Read the following Petition.

To the Right Honorable Lord HARRIS, Governor in Council of Fort St. George, &c. &c. &c.

The Humble Petition of Vencataramana Naik of Moottooputtee village in Teroomungalum Talook of Madura Zillah, dated Madras, 28th July 1857.

My Lord,

That the Petitioner most respectfully begs leave to state the following brief of the correspondence a moment's consideration with your gold eyes and tender heart may be favored to the Petitioner a reasonable endorsement as to give satisfaction to the world and to our Almighty God being that the law is the very charitable and Justice of the British Kingdom.

Your Petitioner repeatedly represented several Petitions with sufficient enclosures in respective dates to the Collector and to the Honorable Board regarding to the portion of a small piece of land containing 4¼ Coolies is reserved for the Cattle, &c., of the village to stand upon, and hence that the said land is called Munday and Cullum to all inhabitants to trash the mahasool of Paddy, &c., and not to the Chocalinga Taven alone, who is now in possession by order of the Collector dated 27th September 1854.

In the year 1854 the said Chocalinga Taven, who opened a well in the said land, but the Petitioner, &c., did not object to the work, because that he does it for charitable purposes as he said in presence of the several riots, and also as it appeared very useful to the villagers for all in consideration of there being no water means except only one well in the Nunjah land as would appear from the plan herewith enclosed; three months afterwards the said Chocalinga Taven who having ploughed the said land round to the new well, and cultivated as a Garden.

Your Petitioner brought the circumstances to the notice of the Tasildar and Collector. The Tasildar who enquired into the case and examined the necessary accounts and has reported to the Collector in his urzee that the said land called (Munday &c.) was holding Grandfather of the said Chocalinga Taven. But the Collector Mr. Parker although granted the Tasildar's recommendation has not satisfied clearly, he believes that it must be porumboke land, which was in disbute is not deducted in the Fysel Ayacut account, and also the said Collector unwilling to permit such land to be cultivated to the inconvenience of the inhabitants in general.

The Collector having, it appears submitted a report to the Board, they were led to declare in their proceedings that they cannot decide to the "Petitioner's request, the land in question "having been cultivated at the fysel and there being sufficient porumboke independent of it for "feeding cattle and such purposes."

Your Petitioner begs to assure your Lordship that neither the Tasildar nor the Collector nor any inferior revenue officer's had since the dispute arose to this moment, never visited the said village in which the disputed tract is, but the Collector may have relied on the Tasildar's report, and the Tasildar may have prepared his report upon a pure supposition that there may be in that village sufficient porumboke independent of the one in question. To clear all doubts as to the fact of there being sufficient porumboke or otherwise in the village, the Petitioner begs to assure that an attentive inspection of the said plan will without reference to any other material, at once satisfy, my lord that there is no other spot except the tract in the plan for the use of the (Munday cattle standing places &c.) for all the rest of the lands around it is the Nunjah and Poonjah fields of the different sharers. If the defendant Chocalinga Taven in whose possession the disputed land is, and ordered by the Collector to be cultivated with garden kinds, were recognized as the permanent holder of it, then it is evidently the misfortune of the Petitioners to confine themselves to their doors without having paths to pass by or place to make their cattle stand, &c., for ever. This inconvenience is occurred to the inhabitants by the partial report of the Tasildar, which Collector relied on, and which the Honorable Board was induced to rely and decline to accede to the Petitioner's request. The Board will perceive from the then Collector Mr. Parker's order, that upright gentleman had hinted his unwillingness to sanction the mode recommended by the Tasildar on a consideration that it will prove inconvenience to several inhabitants.

The materials point, i. e. there is any other porumboke spot for the use of the cattle or not, having been reported to the Honorable Board by the Collector without personally visiting the spot in question, and the petitioner having no other means of having the error corrected touching the bona fide existence or otherwise of the porumboke independent of the one now in question, the petitioner lastly pray that this petition and the said plan which accompanies it may be referred to the Collector of Madura with orders that he or Tasildar may visit the disputed spot, namely (Munday &c.) and decide with reference to the plan there is at least very little extent of land or not and if there was not really, to out the present defendant Chocalinga Taven from the spot and allow the whole of the villagers the privilege of possession and enjoyment thereof as was prior to the year 1854 in which the well was opened by the Defendant Chocalinga Taven, and which the villagers consented to as the Defendant had told that it was for charitable purposes on the ground of there being no well at all in the village except the one in the Nunjah fields, besides these your petitioner really sorry to bring to your Lordship's consideration that the said Chocalinga Taven, grandfather ploughed for 3 years formerly in the account of fusly 1212 to 1215 is entered $3\frac{5}{16}$ coolies, and then the said land which was uncultivated from the fusly 1215 to 1264 being is about nearly 50 years as useful land enjoyed in general inhabitants for cotta munday &c., of the village by which that it may be againsted to the Revenue regulation, your petitioner subsequently requesting your Lordship as to enclose the Extract of the Proceedings of the Board of Revenue dated 23d August 1856 for your Lordship's perusal with Collector's order dated 27th September 1854.

In so doing this act of charity your petitioner as in duty bound shall ever pray.

No. 46. ORDER THEREON, No. 902; dated 8th September 1857.

The Government are of opinion that there is great room to question the propriety of the Board's decision in this case.

The stand for cattle is a public right in every village, and its occupation by any one individual is a common grievance. The fact that public ground has, in the case under notice, been so occupied is not denied, but it is asserted that the defendant's grandfather cultivated the spot for a short time 50 years ago; and that there is sufficient ground elsewhere for the other villagers to herd their cattle, and thresh their grain.

2. Petitioner distinctly denies the latter assertion which is made without apparent evidence; for not a single public officer he says, has ever visited the spot.

The Board's order is also in the opinion of Government open to exception on the score of justice; for it sanctions the invasion of a public right contrary to the will of the whole village community.

3. Ordered therefore that the Board of Revenue be requested to report further on the matter after taking evidence as to the rights of the public and the individual; and after personal examination of the locality by any of the European authorities who may happen to be near the spot in the course of the season.

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

1857

To
The Right Honorable Lord Harris 35
Governor in Council of Fort St. George.

Sir Sir Sir

Lord

The Humble Petition of Vencataramana Naik of Mottoopatta village in Tirumangalum Taluk of Madura Zillah

Sheweth that the petitioner most respectfully begs leave to state the following brief of the correspondence amongst consideration with your Gold Eye & Candor that may be favored to the petitioner a reasonable endorsement as to give satisfaction to the world & to our almighty God being that the Case is the very charitable and Justice of the British Kingdom. —

Your petitioner repeatedly represented several petitions with sufficient Enclosures in respective dates to the Collector & to the Honorable Board regarding to the portion of a small piece of land Cont.ᵗ 4/16 Coolies is reserved for the Cattle ᵍᵉ of the village to stand upon and hence that the said Land is called Munday Kullum to all inhabitants to track the matarial of Poor ᵍᵉ and not to the Chocalinga Taven alone who is now in possession by order of the Collector dated 27ᵗʰ September 1854.

In the year 1854 the said Chocalinga Taven who opened a well in the said land, but the petitioner ᵍᵉ did not object to the work because that he does it for charitable purposes as he said in presence of the several pirtes and also as it appeared very useful to the villagers for all in consideration of there being no water means except only one well in the Nunjah land as would appear from the Plan herewith enclosed. three months afterwards the said Chocalinga taven who having ploughed the said land round to the new well & cultivated as a garden.

Your petitioner brought the circumstances to the notice of the Tasildar & Collector. The Tasildar who inquired into the case & examined the necessary Accounts and has reported to the Collector in his urgee that the said land called (Munday ᵍᵉ) was holding grandfather of the said Chocalinga Taven but the Collector Mr Parker altho granted the Tasildar's recommendation has not satisfied clearly he believe that it must be porumboke land which was in dispute is not denoted in the Fysel Ayeut Account - and also the said Collector unwilling to

permit such land to be cultivated to the inconvenience of the Inhabitants in general.

The Collector having it appears submitted a report to the Board they were led to declare in their proceedings that they cannot decide to be "petitioners request the land in question having been "cultivated at the flyel and there being sufficient poramboke "independent of it for feeding cattle & such purposes".

Your petitioner begs to assure your Lordship that neither the Tasildar nor the Collector nor any inferior revenue officers had since the dispute arose to this moment never visited the said Village in which the disputed tract is but the former may have relied on the Tasildars report and the Tasildar may have prepared his report upon a pure supposition that there may be in that village sufficient poramboke independent of the one in question. To clear all doubts as to the fact of there being sufficient poramboke or otherwise in the Village the petitioner begs to assure that an attentive inspection of the said plan will without reference to any other material, at once satisfy my Lord that there is no other spot except the tract in the plan for the use of the Mundy cattle standing (Pl.) for all the rest of the lands a pound it is the Nunjah & Poonjah fields of the different sharers. If the diffendant Chowaliga Tavan in whose possession the disputed land is & ordered by the Collector to be cultivated with garden kinds were recognized as the permanent holder of it then it is evidently the misfortune of the petitioners to confine themselves to their doors without having paths to pass by or place to make their cattle stand &c for ever. This inconvenience is occured to the inhabitants by the partial report of the Tasildar which Collector relied on, and which the Honorable Board was induced to rely & declaine to accede to the petitioners request.

The Board will perceive from the then Collector Mr Parker's order that upright Gentleman had hinted his unwillingness to sanction the mode recommended by the Tasildar on a consideration that it will prove inconvenience to several Inhabitants.

The materials point i.e. there is any other poramboke spot for the use of the cattle or not having been reported to the Honorable Board by the Collector without personally visiting the spot in question, and the petitioner having no other means of having the error corrected touching the bonafide existence or otherwise of the poramboke independant of the one now in question the petitioner lastly pray that this petition and the said plan which accompanies it may be referred to the Collector of Madura with orders that he or Tasildar may visit the disputed spot namely Mundy &c and decide with reference to the plan there is at least very little extent of land or not and if there was not really to oust the present diffendant Chowaliga Tavan from the spot and allow the whole of the Villagers the prevelage of possession & enjoyment thereof as was prior to the year 1854 in which the mulle was opened by the diffendant Chowaliga Tavan and which the Villagers consented to as the diffendant had told that it was for charitable purposes on the ground of there being no mulle at all in the Village except the one in the Nunjah fields. besides these your petitioner really sorry to bring to your Lordships consideration that the said Chowaliga Tavan Grandfather ploughed for 3 years formerly in the Account of fusly 1212 to 1215 & entered 3 15/16 Coolies and then the said land which was uncultivated from the fusly 1215 to 1264 being it about nearly 50 years as useful land enjoyed in general Inhabitants for cattle mundy &c of the Village by which that it may be against to the Revenue regulation. & your petitioner subsequently requesting your Lordship as to enclose the Extract of the proceedings of the Board of Revenue dated 28th August 1856 from to your Lordships perusal with Collectors order dated 27 Sept/56

In soo doing this Act of Charity your petitioner as in duty bound shall Ever pray.

Madras
28th July 1857

4K

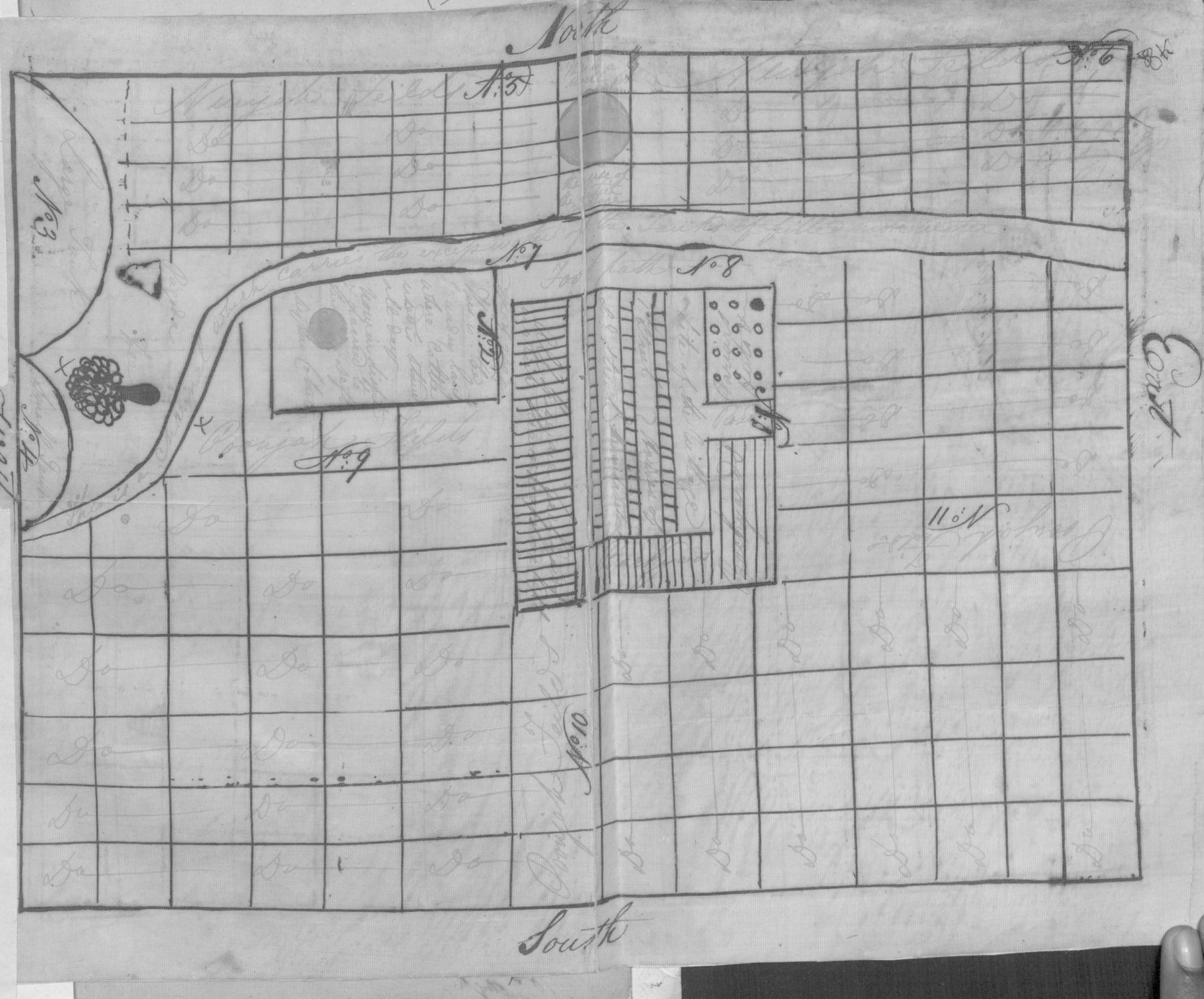
359
39

7K

6

No 2914/56

Ref 1037/57


North
No 6
No 7
No 8
No 9
No 10
No 11
No 3
East
South

9K

[illegible] the Collector of
[illegible] the Tahsildar
[illegible] Tirukkannangalam
[illegible] Sept 27 1856

In the matter of a [illegible] appeal from
[illegible] You are where the
[illegible] found in Section was
[illegible] Salaried at Parambokke
[illegible] at the Survey [illegible]
[illegible] but as you say [illegible]
[illegible] it is [illegible] apart for [illegible]
[illegible] should seem the
[illegible] Parambokke,

audists, it is not right to
allow one individual to
appropriate what ought
to be common both the
inhabitants of the Village.

But inasmuch as Officer
has spent so much
money on digging the well
he ought to be left to cultivate
it. when it was
first cultivated
at the time of
the survey by Officer
land father.

no objections on that ground
I agree with you that
he may
cultivate the land
at present without hindrance
But make it known,

10th

that those who neglect to
& take up Premises before
Cultivation must only
do so after Communication
with the authorities

Signed. A D Parker
Com.

MK
Aug 15

Community

Mark therefore the matter
should be referred back for special
report after taking evidence as
to the rights of the public & the
individual together with
examination of the locality &
any of the European officers
who may happen to be near
the spot in the course of the
visit &c.

The Interpreter dug a well - but he did
so in the first instance as an act
of charity & this gives him no right to the
land

13K

12

Petition

No 1637 of 1857

From Venkatramana naick of
Mootapatlee in Jeromenypalam
Taluk Madura -

Appeals against the
decision of the Board of
Revenue the effect of which
is to adjudge a certain piece of
land to his opponent, which he
alleges to be common to all
the Villages as a cattle pound -

Petition

Stated to Collector a hearing
Collector ordered
to report
for draft order
accordingly
W. Norman
Aug 25

A

The Collector not has
not been translated

The lands having been
cultivated at the Ryotwar the
Government must decline to
accede to Petitioners request
and he is referred to the
Endorsement of the Board
of Revenue -

W. Norman
Sd Lee

26/6/57

N° 902 14K

Ex. Mins Cons under date the 8th September

Read the following Petition
from Veeraraghavarao
Naick of Mookoopatlee
in Tirumangalam
Talook Madura.

~~Read Petition 1837 of 1857.~~

Here enter 28th July 1857

The Govt are of opinion that
there is great room to
question the propriety of
the Board's decision in
this case.

The stand for cattle
is a public right in
every village, and an
occupation by any one
individual is a
common grievance
The fact that public
ground has, in the
case under notice,
been so occupied is

not denied, but it is
asserted that the
Dept. grandfather
cultivated the spot
for a short time 50
years ago; and that
there is ample ground
elsewhere for the other
villages to feed their
cattle and thresh
their grain.

2 Petitioners, distinct-
ly denies the latter
assertion which is
made without appa-
rent evidence, for not
a single public officer
he says, has ever
visited the spot.

The Board adds
is also in the opinion
of Govt. Hon'ble Secretary

on the score of justice,
first sanctions the
invasion of a public
right contrary to the
will of the whole
village community
3 Ordered therefore that
the Board of Revenue
be requested to report
further on the matter
after taking evidence
as to the rights of
the public and the
individual; and
after personal Exam-
ination of the locality
by any of the European
authorities who may
happen to be near
the spot in the
course of the season.

3 Copies to the Secy. of State
with Dispy

Revenue 1857 Depart.t
Cons.: 8.th September.

No. 902.

Extract Minis.: of Cons.:
D.d 8.th September 1857.

Pro.: from B.d of Rev.: 9/15.a
March/58 C.t No.: 368 inc.:

Requesting the B.d of
Rev.: to report on the case
of the fraudulent enjoy-
ment of a certain piece
of Land in Teroorungo.
: Cum Palaott Madrua,
supposed to be common to
all the Village as a Cattle
Pound.

No.s 45 & 46