

Revenue Department
Minutes of Consultation

23rd Feb 1858.

Back 20th of 2.

End No 213 of 18th Feb 1858.

புரட்சாபடி பிரதி - 1

செய்தியளிப்பவர் பெயர்: *H. Com*

செய்தியளிப்பதற்காக எடுத்தது - *H-OS*

செய்தியளிப்பது - *25/10/08*

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Fort Saint George, Revenue Consultation of 23d February 1858.

No. 1. Read the following Extract from the Proceedings of the Board of Revenue; dated 24th December 1857, No. 4690.

Read the following letter from W. ROBINSON, Esq., Acting Collector of Malabar; to J. D. SIM, Esq; Acting Secretary to the Board of Revenue Fort St. George; dated Calicut 30th November 1857, No. 189.

Sir,

	Rs.	A.	P.
For Paddy 1263	50	2	9
Do. 1264	30	2	9
Do. 1265	30	2	9
Do. 1266	30	2	9
Total Rupees	120	11	0

Rs. A. P.
1261 6 2

An arrear as per margin has accrued against a land named Oollanjykalby Nilom. It is the Jeem property of the Mannoor Devason, and the Revenue (Jarnoh) Assessment stands registered in the name of M. Paramasharan Namby, a mortgage of the land. He however sold his lien on the land several years ago to K. Govinda Menon; who paid the revenue for 2 years, but finding the bargain unprofitable he threw it up 4 years ago, and now refuses resolutely to

pay the revenue or the arrear. The question is whose personal property am I to seize? Both parties (Proprietor and late occupant) are men of wealth and religious, and the decision must be taken with care.

2. The proprietor denies his responsibility stating, that under the contract with his tenant who is represented by his assign K. Govinda Menon, the tenant is to pay it and the Revenue is registered in a tenant's name that by now paying the arrear, he would not be released from his obligation in regard to this and other lands devised by the same deed, and that already 8 year's rent is due to him on account of the land. He will not take back the land with this arrear because it is one only (and the *indifferent parcel*) of several lands included in the same *neras* deed of devise. He considers that he could not enter on it and be upheld in it, nor could we perhaps legally place him in possession of it. He refuses at the same time to allow the sale of the land which is his property and by sale would pass from him.

3. K. Govinda Menon states that he has given it up that he never had it registered in his name, has not cultivated it and throw it up 4 years ago, and therefore leaves to the Government to recover the revenue and arrear and to sell the land, &c. if we please.

4. It is a case in point as regards recent ruling of the Board and Government. I believe the land is clearly responsible, but the proprietor shelters himself behind this recent ruling, and I cannot sell the land without incurring considerable risk. I must therefore ask the solution of the difficulty at the hands of the Board.

5. The land can bear the revenue and long paid it, and were it sold, it would realize a price which would liquidate all demands.

The Board have recently laid before Government a draft Act empowering Collectors to recover arrears by the sale at their option of the personal or real property of a defaulter, and they think it advisable that the present case should lie over until it is seen what the result of the application to the Legislative Council may be.

2. Properly speaking Collectors have no concern with Sub tenants and looks to the registered proprietor only for the Government dues, but a different practice has prevailed in Malabar, and the Board do not consider the present case one which affords a favorable opportunity of trying in the Courts whether a proprietor is absolved, at least from liability in the first instance, when his sub-tenant has been registered by the Collector.

Fort Saint George, Revenue Consultation of 23d February 1858.

3. The Board resolve to forward the present letter to Government as an illustration of the necessity of modifying the present law. They perceive however that it may be a matter of difficulty in Malabar to determine who is the defaulter but the proper remedy they apprehend is to recognise and register only proprietors of land, leaving them to make their own arrangements with their sub-tenants but not permitting them to divest themselves of responsibility for the Government assessment.

(A true Extract and Copy.)

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

No. 2.

ORDER THEREON, No. 213; dated 18th February 1858.

Ordered to lie over for the present.

(Signed) E. FORBES,

Acting Secretary to Government.

Revenue Department

No. 2090

Extract from the Proceedings of the Board of Revenue dated 24 December 1857

Read the following

Calicut, 30 November 1857

No. 134

From

M. Robinson Esq.

Collector of Malabar

To

J. J. Esq.

Secretary to the Board of Revenue

Fort St. George

Sir,

The duty of the 30th 7. 9. The arrival of the margin has
 at 18th 50. 7. 9. cleared against a land named
 at 18th 50. 7. 9. Collanjinghally Nilam. It is the
 total amount 100. 11.

joint property of the Mannam Division, and
 the Revenue Assessment stands registered
 in the name of M. Paramashanu Namby, a
 subgrantee of the land. The Revenue sold
 his ten in the land several years ago to
 M. Gervasia Moom, who paid the Revenue
 for 2 years, but finding the bargain unprofitable
 he threw it up a year ago, and now refuses
 resolutely to pay the Revenue in the area.

No. 1261. 6. 2

The question is whose personal property
am I to sing? Both parties (Proprietor
and late occupant) are men of wealth
and religious and the decision must be
taken with care.

2. The Proprietor denies his
responsibility stating that under the
contract with his tenant who is represented
by his assign N. Govinda Menon, the tenant
is to pay it and the revenue is registered
in a tenant's name. That by now paying
the arrears, he would not be released from
his obligation in regard to this and other
lands deeded by the same deed, and
that already 8 years rent is due to him
in account of the land. We will not
take back the land with this arrears
because it is not only (and the different parts
of several lands included in the same deed
of deed. He considers that he could
not enter on it and be upheld in it,
nor could we perhaps legally place
him in possession of it. He refuses at
the same time to allow the sale of the
land which is his property and by sale
would pass from him.

3. N. Govinda Menon states that
he has given it up, that he never had
it registered in his name, has not
cultivated it and thrown it up 6 years
ago, and therefore leaves it to the Government
to receive the revenue and assess and
to sell the land for if we please.

4. It is a case in point as
regards recent ruling of the Board
and Government. It being the land
is clearly responsible, but the proprietor
shelter himself behind this recent
ruling, and I cannot sell the land
without incurring considerable risk.

I must therefore add the solution of
the difficulty at the hands of the Board.

5. The land can bear the
revenue and long paid it, and were it
sold, it would realize a price which
would liquidate all demands.

I have the honor to be,
Sir, your obedient servant,
Signed M. Robinson
Collector.

The Board have recently laid
before Government a draft act empowering
Collector

Collectors receive money by the sale at
them of one of the parcels is not property
of a defaulter, and they think it inadvisable
that the present case should be overruled
it is seen what the result of the application
to the Legislative Council may be.

Properly speaking Collectors
have no concern with sub tenants and look
to the registered proprietor only for the
Government dues, but a different practice
has prevailed in Malabar, and the Board
do not consider the present case one which
affords a reasonable opportunity of trying
whether the Collector is better or worse than
at least free liability in the first instance
when his sub tenant has been registered
by the Collector.

The Board resolve to forward
the present letter to Government as an illus-
tration of the necessity of modifying the
present law. They perceive however that it
may be a matter of difficulty in Malabar
to determine who is the defaulter but the
proper remedy they apprehend is to recog-
nize and register only proprietors of land,
leaving them to make their own arrangements
with their sub tenants but not permitting
them

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them to direct themselves of responsibility
to the Government assessment

(At the Board of Revenue)

J. S. S. S.
Secretary

To

M. S. S. S.
Secretary to Government
Revenue Department.

②

June 22nd 1872

Received from the
Providence of the
Board of Directors

October 21st
1872

Providence of the
Board of Directors

1872

1872

October 21st 1872

Providence of the
Board of Directors

1872

Providence of the
Board of Directors

Providence of the
Board of Directors

1872

1872

1872