M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1360. Press / Mis.

13-14

Dated October 6. 1859.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, from 5th to 21st October 1859.

No. 13. Read the following Proceedings of the Board of Revenue, dated 29th September 1859, No. 3909.

Read the following letter from the Officiating Collector of Salem, dated 16th September 1859, No. 186.

(In Con. 21st September 1859, No. 4711.)

Sub-Court of Salem—O. S. No. 9 of 1859.
Groomoorthy Chetty of Oossoor, Plaintiff.
versus.
1. *Mr. Knox, Acting Collector.*
2. *Tummien.*
3. *Narasappa Chetty.*
4. *Vencataramien.*

With the above letter the Officiating Collector forwards a copy of the plaint, and draft of the answer he proposes to file, in the suit particularized in the margin.

2. The object of the suit is to obtain possession of 40 square yards of ground, and the value of certain granite stones sold at public auction for 50 Rupees.

3. The Plaintiff alleges that the land in question belonged to his grandfather, and was obtained from him by the head of the left-hand Chetty caste, for the purpose of erecting a stone Muntapum upon it and placing an image therein; a document was at that time given to the effect that in case the project was abandoned, the land should be restored to the owner together with the Muntapum. The building was accordingly erected, but disputes having arisen among the right and left hand caste people, the image was not set up and the Muntapum was, as agreed upon, made over to Plaintiff's grandfather who enjoyed it during the remainder of his life. The village Moonsiff (2d Defendant's father,) then obtained the Muntapum for the use of his Cutcherry, under a written document, promising to restore it whenever required. Subsequently a portion of the Muntapum was broken down by Government, and a part of the ground appropriated for a road. The rest of the building having fallen outof repair, the late Acting Collector sold the stones at public auction for 50 Rupees, and credited the proceeds to Government. Plaintiff accordingly sues for the ground and the value of the stones sold.

4. In his answer the Officiating Collector denies that Plaintiff had the remotest title to the Muntapum. He states that the ground on which it stood was a part of the village Porumboke, and was consequently available for the purposes to which it was applied. The Plaintiff had the fullest opportunity of proving his title to the Muntapum, but failed to do so. In the absence of any Claimant the stones were sold by public auction after due notice, and the proceeds credited to Government.

5. From the statements contained in the letter of the Collector accompanying the pleadings there seems to be no doubt that the Plaintiff had no right either to the ground or to the Muntapum he claims. The Board have re-cast the Collector's draft answer clearly stating this fact. If the Government approve of the revised draft, the Board will forward it to the Collector and instruct him to file it, and conduct the defence in the first instance at the expense of Government.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

REVISED DRAFT ANSWER.

1. The first Defendant denies that the Plaintiff has any title to the land he claims. It formed part of the village Porumboke, and was consequently at the disposal of Government. A part of it was accordingly appropriated for public purposes, and the remainder made over by the late Acting Collector to the 4th Defendant, who had applied for it.

2. The Plaintiff had, moreover, no title to the Muntapum. This is manifest from his own statements. He clearly shews that it was not constructed either by himself or any of his ancestors, and the grounds on which he bases his claim are altogether untenable.

3. After the Muntapum had fallen down, a notice was issued allowing parties three months' time to prefer claims to the stones. No such claims having been preferred, the stones were sold by public auction, and the sale proceeds carried to the credit of Government.

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 14. ORDER THEREON, 6th October 1859, No. 1360.

The Honorable the Governor in Council approves the revised draft answer submitted with these proceedings, and sanctions the defence, in the first instance, at the expense of Government, of Suit No. 9 of 1859, instituted against the Acting Collector of Salem and three others in the Sub-Court of the District by Grumúrthi Setty; but will determine when a copy of the Decree is submitted, whether the costs, if any be adjudged against the Acting Collector, shall be borne by that officer or the Government.

(Signed) T. PYCROFT,
Chief Secretary.

Revenue 1859 Departt

Pro: of Govt 21st October

No. 1360

Pro: of the Madras Govt

D/ 6th October 1859

C. No. 2547/61 in Pro:

~~From the D. of Rev D/ 8th~~
~~Nov/61 C. No. 2638~~

Sanctioning the
defence in O. S. No. 9
of 1859 in the Sub
Court of Salem. —

No. 13 -14.

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b Copies - Board of Revenue
Dis. Ct.

No. 3909.

PROCEEDINGS of the BOARD of REVENUE, dated 29th September 1859.

Read the following letter from the Officiating Collector of Salem, dated 16th September 1859, No. 186.

(In Con. 21st September 1859, No. 4711.)

Sub Court of Salem—O. S. No. 9 of 1859.
Groomoorthy Chetty of Oossoor, Plaintiff.
versus
1. Mr. Knox, Acting Collector,
2. Tummien,
3. Narasappa Chetty,
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With the above letter the Officiating Collector forwards a copy of the plaint, and draft of the answer he proposes to file, in the suit particularized in the margin.

2. The object of the suit is to obtain possession of 40 square yards of ground, and the value of certain granite stones sold at public auction for 50 Rupees.

3. The plaintiff alleges that the land in question belonged to his grandfather, and was obtained from him by the head of the left-hand Chetty caste, for the purpose of erecting a stone Muntapum upon it and placing an image therein; a document was at that time given to the effect that in case the project was abandoned, the land should be restored to the owner together with the Muntapum. The building was accordingly erected, but disputes having arisen among the right and left hand caste people, the image was not set up and the Muntapum was, as agreed upon, made over to plaintiff's grandfather who enjoyed it during the remainder of his life. The village Moonsiff (2d defendant's father,) then obtained the Muntapum for the use of his Cutcherry, under a written document, promising to restore it whenever required. Subsequently a portion of the Muntapum was broken down by Government, and a part of the ground appropriated for a road. The rest of the building having fallen out of repair, the late Acting Collector sold the stones at public auction for 50 Rupees, and credited the proceeds to Government. Plaintiff accordingly sues for the ground and the value of the stones sold.

4. In his answer the Officiating Collector denies that plaintiff had the remotest title to the Muntapum. He states that the ground on which it stood was a part of the village Porumboke, and was consequently available for the purposes to which it was applied. The plaintiff had the fullest opportunity of proving his title to the Muntapum, but failed to do so. In the absence of any claimant the stones were sold by public auction after due notice, and the proceeds credited to Government.

5. From the statements contained in the letter of the Collector accompanying the pleadings there seems to be no doubt that the plaintiff had no right either to the ground or to the Muntapum he claims. The Board have re-cast the Collector's Draft answer clearly stating this fact. If the Government approve of the revised Draft, the Board will forward it to the Collector and instruct him to file it, and conduct the defence in the first instance at the expense of Government.

(A true Extract.)

Acting Secretary.

To

T. PYCROFT, Esq., Cheif Secretary to Government.
Copy to Officiating Collector of Salem.

REVISED DRAFT ANSWER.

1. The first defendant denies that the plaintiff has any title to the land he claims. It formed part of the village Porumboke, and was consequently at the disposal of Government. A part of it was accordingly appropriated for public purposes, and the remainder made over by the late Acting Collector to the 4th defendant, who had applied for it.

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Acting Secretary.

Revenue
Pro. of Govt. No 1859 Departt 21st Dec 1830

Proceedings of the Board of Revenue.—

Dated 29th
Desp4 4 Oct. } September
Recd. 4 Octr } 1859

E. I. Pl letter-
3 Enclo. Recd. No 3909
2-11-59-

No 1360- 6th Octr 1859

Submitting a letter from the Offg Collr. of Salem reporting the institution of a C. Suit No 9 of 1859 in Sub Court of Salem by Groomoorthy setty against the Acting Collr. and 3 others for obtaining possession of 48 Square yards of Ground and the value of certain granite stones; and recommending that the Ag Collr. be authorized to file the draft Answer as revised by the Board if approved by Government.

No 13.