

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	<i>1035-</i>	<u>Press</u> <u>Mis.</u>
Dated <i>5th. August.</i>		188 <i>9.</i>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 30th July to 5th August 1859.*

No. 13. Read the following Proceedings of the Board of Revenue, dated 23rd July 1859, No. 2888.

Read the following letter from the Collector of Tanjore, dated 14th July 1859, No. 158.

(In Con. 18th July 1859, No. 3541.)

Sub Court of Coombaconum O. S. No. 9 of 1859.
Gowrysoobayen Merassidar of Velangoody Talook.
Coombaconum.

Versus.

1. Vengoosastry of Monganore of Velangoody.
2. Vengataramayen vuttum, Curum of Purumbore.
3. W. M. Cadell, Esq., Collector of Tanjore.

Resolved that the foregoing letter be submitted for the information of the Right Honorable the Governor in Council, with reference to
In Con. 1st July 1859 No. 3163. Extract Minutes
of Consultation,
dated 30th June last, R. D., No. 861.

2. From Mr. Cadell's explanation it will be seen, that, by a decree of Court, first Defendant was, in Fusly 1261, placed in possession of Plaintiff's share of the village in question. A third party brought a claim to a small portion of the land included in the decree, and pending the decision of this claim, the Court delayed the transfer of the Merassy registry for two years. Ultimately, the Court ordered the land—less the small portion thus claimed—to be registered in first Defendant's name. In this interval, first Defendant reclaimed the piece of land, which forms the subject of the *present* suit, from the Grama Samoodayen Porumpoke or waste, the common property of the villagers, and when the Court finally ordered the registry of the land included in its decision in first Defendant's name, this piece also was so registered, in accordance with the usage of the district, and the rights first Defendant had acquired by the Court's decree.

3. The villages of Tanjore are divided into shares, which comprise certain portions of waste, common, &c., but these are formally added to the owner's holding only when brought under cultivation. The sale or transfer of a share carries with it all these appurtenances, whether they are specified in the deed or not, and the land now in dispute was simply one of the appurtenances of the share decreed to the first Defendant by the Court.

4. There was no transfer either of possession or registry, for first Defendant originally reclaimed, held and paid for the land and it was not registered at all, prior to the registry regarding which Plaintiff now sues.

5. It would, doubtless, have been more formal for the Collector to have required an order of Court, but his proceedings were strictly in accordance with local usage and justice.

6. The Collector has applied for an extension of the period allowed him for filing an answer, from the 14th instant to 11th proximo.

(A true Extract.)

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

No. 14.

ORDER THEREON, 30th July 1859, No. 1035.

The Honorable the Governor in Council sanctions the defence, in the first instance, at the public expense, of Suit No. 9 of 1859, instituted against the Collector of Tanjore in the Sub-Court of Combaconum by Gowry Soobien; but will determine, when a copy of the defence is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by them or by the Government.

2. With reference to his letter now submitted, the Board of Revenue will have the goodness to call the attention of the Collector of Tanjore to para. 13 of the order of Government 21st January 1856, No. 70, prohibiting the use of native terms in official correspondence.

(Signed) J. D. BOURDILLON,

Secretary to Government.

IN CON. 18TH JULY 1859, No. 3541.

From W. M. CADELL, Esq., Collector of TANJORE,

dated Tranquebar, 14th July 1859, No. 158.

I have the honor to submit the explanations called for by Government in their order of the 30th ultimo, No. 861, and conveyed in the Board's Proceedings under date the 1st instant, No. 2551, relative to certain points connected with the civil suit instituted in the Sub Court of Combaconum, and in which I have been included as 3d Defendant.

2. With reference to para. 1 of the Government order, I beg leave to state that, as stated in the opening para. of the draft answer, no land whatever was made over by me to the 1st Defendant; but that having, by the process of the Court, been placed in possession of the Meerassy right of the land specified in the Razeenamah referred to in the plaint, he, in virtue of that right, became entitled to the additional piece of ground now in dispute as will be hereafter shown.

3. With respect to the observations contained in para. 2 of the order under reply, I would beg to state that the Meerassy registry of this land was not in the name of the Plaintiff, nor was it transferred from *his* to that of the 1st Defendant's; in fact, there was no registry at all for the same. The circumstances under which it was entered in the name of the 1st Defendant were simply these.

	V.	M.	G.
Nunjah.....	2	9	87 $\frac{3}{4}$
Poonjah.....	0	3	94 $\frac{1}{4}$
Garden.....	0	1	42 $\frac{1}{4}$
Tope.....	0	0	61 $\frac{1}{4}$
	2	15	86 $\frac{1}{4}$

* Goontahs 68 $\frac{9}{16}$.

4. The land specified in the Razeenamah above alluded to comprised $\frac{1}{16}$ ths of a pungoo, the particulars of which are as noted in the margin, and the 1st Defendant was duly put in possession thereof by the Court in Fusly 1261. In the mean time, however, a claim having been brought forward before the Court by a third party to a portion of the same,* the transfer of the Meerassy registry as ordered by the Court was delayed for two years. This claim was, however, eventually adjusted, and an order passed by the Court that the land above specified, minus the portion thus claimed, be registered in the name of the 1st Defendant; during the intermediate period, however, he (the 1st Defendant) had re-

† Waste land, the common property of the villagers.

	V.	M.	G.
‡ Total as per Razeenamah	2	15	86 $\frac{1}{4}$
Deduct awarded by Court to the 3d party.....	0	0	68 $\frac{9}{16}$
Remainder.....	2	15	17 $\frac{1}{16}$
Added reclaimed.....	0	1	21 $\frac{1}{16}$
Total.....	2	16	39 $\frac{1}{2}$

claimed and brought under cultivation the quantity now in question, viz. M. 1, G. 21 $\frac{1}{16}$ ths which formed his share of the Grama-samoodiyem† Porompoke land. He paid the Government demand on it, and it was therefore added to the above and the Meerassy registered in the name of the 1st Defendant for the whole‡ on the 9th September 1853.

5. The villages in this district are, as the Board are aware, divided into pungoos or shares, each consisting of a portion of the cultivated area together with all its appurtenances, including Tarus, Porompoke, &c. and the sale or transfer of any such pungoo or portion of a pungoo, carries with it its due share proportionately in all the village appurtenances, whether the same be specified in the deed or not. Accordingly the quantity now in dispute is simply the portion of the Porompoke land, of which the 1st Defendant became Meerassidar by virtue of his having been placed in possession of a portion of a certain pungoo. It was not included in the Razeenamah merely because it was, at the time, lying waste, and it is only when land, either waste or Porompoke, is actually brought under cultivation, that it is added to the holding to which it properly appertains. It is true that the term "Samoodayem" or common appurtenances was not used in the Razeenamah, but this omission is of no consequence, and can therefore be of no avail to Plaintiff inasmuch as the term "pungoo," as distinguished from "Khundakrayem," or the purchase of an isolated piece of land, is in practice, invariably held to supply all such omission.

6. The Board will thus observe that in this case, the decision of the Court has not been exceeded and that the transaction which took place in the Revenue Department, in connection with the Meerassy registry in question, was in perfect accordance with local usage and involved no infringement of private rights whatever.

7. I have moved the Court, through the Government vakeel, for the time to deliver my answer, being extended from the 14th instant to 11th August next, and beg to be furnished with the final orders of Government before the expiration of that period.

N^o 1035

Proceedings of the Madras Government
Under date the 30th July 1859

Read the following
Proceedings of the Board
of Revenue.

Submitting a letter from
the Collector of Tanjore fur-
nishing the explanation
called for by Govt relative to
certain points connected with
the institution of C.S. No. 9 of 1859
in the Sub Court of Coombaconam
in which the Collr has been
included as 3rd Defendant.

(Core enter 23 July 1859
C^o N^o 288)

The Honorable
the Governor in Council
sanctions the defence, in
the first instance, at the
public expense, of suit
No. 9 of 1859, instituted
against the Collector
of Tanjore and a Vutt
Garnam in the Sub
Court of Coombaconam
by

P. M. Sept

IN THE COURT OF THE
JUDGE OF THE DISTRICT OF
TANJORE

Printed Copy of
N^o 3571.
From the Collector of
Tanjore
To the Secy to the
Govt of Madras
Dated 11th July 1859
J. C.
4th 1859 P. 1386/59
Submitted further
explanations relative to
certain points connected
with the suit last in-
stituted in the Sub Court
of Coombaconam in
which he has been inclu-
ded as 3rd Defendant.

by Gouvy Looien; but
will determine, when
a copy of the defence is
submitted, whether
the costs, if any be-
adjudged against ~~the~~
~~office~~, shall be borne
by them or by the Govt.
~~The~~ Board of Re-
venue will have the
goodness to call the
attention of the Collector
of Tanjore to para 13
of the order of Govt 21st
January 1856 N. 70 pro-
hibiting the use of native
terms in official cor-
respondence.

[Signature]

10/7/59
10 Copies to Bd of Rev.
Dist. 122

the Coun,

2. With reference to his
letter was submitted, the

Pleasant

Revenue 1859 - Depty
Pro: of Govt: & August

19/10/55.

Pro: of the Clerk or Govt:

27/10/55 & July 1859.

Depence at further
Cost of Unit: 10/9 of 1859 and
the fees of the Sub Court of
Circuit Court, & Clerk of

No 13 & 14.