M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1515 Press ~~Mis.~~

75-76

Dated 7 — 11 — 18 57

Not to be folded or roughly handled

No. 75. Read the following Proceedings of the Board of Revenue, dated 31st October 1859, No. 4440.

Read the following letter from F. B. ELTON, Esq., Collector of Nellore ; to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Nellore, 7th October 1859, No. 168.

With reference to the Government endorsement on the petition* No. 904 of 1859, of M. Soobiah, an Inamdar in this district requesting permission to bring a civil action for the recovery of a portion of his Inam land, I have the honor to state that the cause of action is of so trifling and litigious a nature, that I do not recommend the permission sought by Petitioner being granted.

* *Herewith returned.*

2. The circumstances are these ; a channel runs through the petitioner's Inam to another person's pond, which has existed for many years, and has not been seriously interfered with till lately. Petitioner appears to have encroached on the channel, during the previous two years, and more recently one of his under ryots actually cultivated the channel, at his instigation, whereby the irrigation was impeded. When the manium was measured an excess of 6¼ coontahs was found ; while the extent alluded to in the petition, which, as belonging to the channel, he was prohibited from interfering with, is only three coontahs.

3. The case was, moreover, decided in the magisterial department, and petitioner might have appealed from the Joint Magistrate's order to the Session Judge.

Submitted to Government, with reference to their endorsement on petition No. 904 of 1859.

2. The Board of Revenue see no reason, under the circumstances stated by the Collector, to facilitate the institution of a litigious suit by petitioner, and do not recommend that the permission sought, be granted.

(A true Copy and Extract.)

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

No. 76. ORDER THEREON, 7th November 1859, No. 1515.

The Government do not consider themselves to be in a position to judge whether the proposed action is of a litigious character or not. The rights of Government are in no way implicated ; and such being the case, they are of opinion that they should be going beyond the intention of the law, if they used it to keep back Petitioner from resorting to the ordinary tribunals.

2. Under Section II. Regulation IV. of 1831, the Government permit the Petitioner M. Soobbiah to sue in the Civil Court for certain Inám land in the village of Muddeepatee in the Enamanamélúr Táluq of the Nellore District, alleged to be illegally withheld from him.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 4440.

PROCEEDINGS of the BOARD of REVENUE, dated 31st October 1859.

Read the following letter from F. B. ELTON, Esq., Collector of Nellore; to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Nellore, 7th October 1859, No. 163.

With reference to the Government endorsement on the petition*, No. 904 of 1859, of M. Soobiah, an Inamdar in this district, requesting permission to bring a civil action for the recovery of a portion of his Inam land, I have the honor to state that the cause of action is of so trifling and litigious a nature, that I do not recommend the permission sought by Petitioner being granted.

* Herewith returned.

2. The circumstances are these; a channel runs through the petitioner's Inam to another person's pond, which has existed for many years, and has not been seriously interfered with till lately. Petitioner appears to have encroached on the channel, during the previous two years, and more recently one of his under ryots actually cultivated the channel, at his instigation, whereby the irrigation was impeded. When the manium was measured an excess of 6¼ coontahs was found; while the extent alluded to in the petition, which, as belonging to the channel, he was prohibited from interfering with, is only three coontahs.

3. The case was, moreover, decided in the magisterial department, and petitioner might have appealed from the Joint Magistrate's order to the Session Judge.

Submitted to Government, with reference to their endorsement on petition No. 904 of 1859.

2. The Board of Revenue see no reason, under the circumstances stated by the Collector, to facilitate the institution of a litigious suit by petitioner, and do not recommend that the permission sought, be granted.

(A true Copy and Extract.)

W. Hudleston

Acting Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Copy to Collector of Nellore.

Exd. J. Wright.

Rev. Dept.

No 1373

Proceedings of the Madras Government

Under date the 7th November 1859

Read the following

Proceedings of the Board

of Revenue.

Submitting a letter from the Collector of Nellore reporting on Govt. Petition No 901 of 1859 seeking leave to bring a civil action for the recovery of a portion of his Inam lands, and recommending that under the circumstances stated by the Collector, the permission sought may not be granted.

(Vide enclosure 31st October 1859 No 1549)

The Government do not consider themselves to be in a position to pronounce whether the proposed action is of a litigious character or not

Rec'd 1850 Dept.
No of Petition 31st Nov.
No 2040

Proceedings of the Board of Revenue

Dated 31st October 1859
Rec'd 3rd Nov
Rec'd 4 — Nos
81 miles 102

No 1515

To the Government

Submitting a letter from the Collector of Nellore reporting on Government Petition No 901 of 1859 seeking leave to bring a Civil Action for the recovery of his Inam lands and recommending that under the circumstances stated by the Collector, the permission sought may not be granted.

No 75.

not. The rights of Govt
are in no way implicated,
and such being the case,
they are of opinion that
they should be going be-
yond the intention of
the law, if they used it
to keep back Petitioner
from resorting to the
ordinary tribunals -

2 Under Section II
Reg. III of 1831, the Govt
permit the Petitioner
all probable time in
the Civil Court for certain
Inam land in the Village
of Muddeepatee in the
Inamanam Talug of the
Nellore District, alleged
to be illegally withheld
from him -

2 Copies to Sr Dept with Mr Rs 8th Nov
2 Copies to the Board of Revs
Dispd 8

Revenue 1859 Dept.
Pro: of Govt 10th Nov.

No 1575.

Pro: of the Madras Govt
Dt 7th Nov. 59.

Permitting the Petitioner
M. Seobbeah to sue in
the Civil Court for certain
Inam land in Nellur.

No 75 + 76.