M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. 1543 Press
~~Mis.~~

13-14

Dated November 14, 1859.

Not to be folded or roughly handled

No. 13. Read the following Proceedings of the Board of Revenue, dated 10th November 1859, No. 4508.

Read the following letter from the Collector of Madura, dated 22d October 1859, No. 206.

(In Con. 26th October 1859, No. 5302.)

Subordinate Court of Madura, O. S. No. 23 of 1859.
Plaintiff.
Vencataraman Asary, son of Sangaralingum Asary, a farmer, residing at Pulney, Ayempully talook.
Versus.
1. A. P. Hodgson, Esq, Sub-Collector of Madura.
2. Soondarum Pillay, son of Arasappa Pillay, residing at Pulney.
3. His son Saminada Pillay.

With the foregoing letter the Collector submits the pleadings in the suit noted in the margin in which the Sub-Collector is first defendant.

2. The subject matter of the suit is a piece of nunjah land measuring goolies $1\frac{2\frac{1}{4}}{16}$ valued at Rupees 23-7-0, with the trees thereon, valued at Rupees 6.

3. The plaintiff alleges that he purchased this land from its owner in 1850, for 10 Rupees, and that he has since improved half a gooli for cultivation, and converted to remaining $\frac{10\frac{1}{4}}{16}$ gooli into a threshing floor. The third defendant having applied for the land, it was made over to him, notwithstanding plaintiff's claims to it, and his willingness to pay the tax payable thereon.

4. In this proposed answer the Sub-Collector points out that the land in question was waste for 20 years, that Plaintiff paid no tax for it, and that the Revenue authorities were therefore, at liberty to make it over to the party who had applied for it. He further states that if plaintiff did purchase the land, the alleged vender had no right to dispose of it, and indeed denies the sale, and that the planting of trees on waste land by no means confers any right to the land itself.

5. The Board are of opinion that the Revenue authorities acted correctly in the matter under dispute, and they consider that the proposed answer is good and sufficient; they therefore recommend that the usual authority be granted for conducting the defence of the suit in the first instance at the Government expense.

6. The Collector will be desired to obtain an extension of the time allowed for filing the answer.

(A true Extract.)
(Signed) W. HUDLESTON, *Acting Secretary.*

No. 14. ORDER THEREON, 14th November 1859, No. 1543.

The Honorable the Governor in Council sanctions the defence, in the first instance at the public expense, of O. S. No. 23 of 1859 instituted against the Sub-Collector of Madura and others, in the Subordinate Court of the District, by Venkitaramen Asári; but will determine, when a copy of the decree is submitted, whether the costs, if any be adjudged against the Sub-Collector, shall be borne by that officer or the Government.

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

No. 4598.

PROCEEDINGS of the BOARD of REVENUE, dated 10th November 1859.

Read the following letter from the Collector of Madura, dated 22d October 1859, No. 206.

(In Con. 26th October 1859, No. 5302.)

Subordinate Court of Madura, O. S. No. 23 of 1859.

Plaintiff.

Vencataraman Asary, son of Sangaralingum Asary, a farmer, residing at Pulney, Ayempully talook.

Versus

1. A. P. Hodgson, Esq., Sub Collector of Madura.
2. Soondarum Pillay, son of Arasappa Pillay, residing at Pulney.
3. His son Saminada Pillay.

With the foregoing letter the Collector submits the pleadings in the suit noted in the margin in which the Sub Collector is first defendant.

2. The subject matter of the suit is a piece of nunjah land measuring goolies 1 $\frac{2\frac{3}{4}}{16}$ valued a Rupees 23-7-0, with the trees thereon, valued at 6 Rupees.

3. The plaintiff alleges that he purchased this land from its owner in 1850, for 10 Rupees, and that he has since improved half a gooli for cultivation, and converted the remaining $\frac{10\frac{3}{4}}{16}$ gooli into a threshing floor. The third defendant having applied for the land, it was made over to him, notwithstanding plaintiff's claims to it, and his willingness to pay the tax payable thereon.

4. In his proposed answer the Sub Collector points out that the land in question was waste for 20 years, that the Plaintiff paid no tax for it, and that the revenue authorities were, therefore, at liberty to make it over to the party who had applied for it. He further states that if plaintiff did purchase the land, the alleged vender had no right to dispose of it, and indeed denies the sale, and that the planting of trees on waste land by no means confers any right to the land itself.

5. The Board are of opinion that the revenue authorities acted correctly in the matter under dispute, and they consider that the proposed answer is good and sufficient; they, therefore recommend that the usual authority be granted for conducting the defence of the suit in the first instance at the Government expense.

6. The Collector will be desired to obtain an extension of the time allowed for filing the answer.

(A true Extract.)

Acting Secretary.

To

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

Copy to Collector of Madura, whose attention is called to the last paragraph.

Exd. J. Wright.

Rev. Dept.

№ 1543.

Proceedings of the Madras Government

Under date 10th Nov. 1859.

Read the following Proc. of the Board of Rev.

Reporting the institution in the Sub Court of Madura of O.S. №23 of 1859 against the Sub Collector and others by one Venkitasamien Ayen and recommending that the defence be conducted in the first instance at the Govt. expense.

Here enter 10th Nov. 1859 №4598.

The Hon. the Govr. in Council directs the defence, in the first instance at the public expense, of O.S. №23 of 1859, instituted against the Sub Collector of Madura and others, in the Subordinate Court of the district,

by

Dated 10th November 1859
Rec'd 12 " "
Entered "

Proceedings of the Board of Revenue.

1543

No 1543. Extract from the Proceedings dated 10th November 1859.

Submitting, with the Revenue remarks, a letter from the Collector of Madura reporting the institution of Original Suit No 23 of 1859 in the Court of Subordinate Judge of Madura by one Venkitasamien Ayen against the Sub Collector and others praying for the recovery of certain price of Rupees land with the trees thereon, alleged to have been purchased by him from the Government in 1856.

10/42

by Venkitarámen Sáre;
but will determine,
when a copy of the
decree is submitted,
whether the cost, if
any be adjudged
against the Collector
shall be borne by
that Officer or the
Government.

Sub

The Dl. of Rev
Dist

Revenue 1859 Departt.
Pro: of Govt. 20th November.

No. 1543.

Pro: of the Madras Government.

Dated 14th November 1859.

Pro: of the Bd of Revenue 6/3 Impts.
& No 1397 in Pro. 27th June
1861 Nos 263-264
from Do 2/19th Septr 1861
C. No 2227

Defence in O.S. No 23 of
1859 on the Madura Subordi-
nate Court file, Sanctioned.

No. 13 & 14.