M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1654 Press ~~Mis.~~

43-44

Dated 7 — 12 — 1859.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of December 1859.

No. 43. Read the following Proceedings of the Board of Revenue; dated 25th November 1859, No. 4837.

Read the following letter from the Collector of Chingleput, dated 9th November 1859, No. 417.

(In Con. 10th November 1859, No. 5594.)

In Cons. 12th September 1859.

Resolved that the foregoing letter be submitted for the information of Government, with reference to their proceedings, dated 10th September 1859, R. D., No. 1221.

2. The Collector explains, with reference to the remarks of Government on suit No. 2 of 1859, that under the decree of the Civil Court of Chingleput in Appeal Suit No. 35 of 1854, which formed the subject of the recent correspondence noted in the margin, the Government defaulter, Saravana Mudali was precluded from attaching the crops or property of his sub-tenants, hence the reason of the táluq servants attaching those crops of his sub-tenants which he pointed out.

Board's Proceedings 13th October 1859, No. 4130.
Government Proceedings 5th November R. D. No. 1505.
In Con. 7th November 1859, No. 5546.

3. Mr. Shubrick states that the Plaintiff Periamandum, is one of the 5 brothers among whom Tiruvidian (referred to by Government in paragraph 4 clause 2 of the order of 10th September) is the ostensible manager. They jointly rented a portion of Saravana Mudali's land, and were consequently all jointly and severally liable for the rent. The fact of plaintiff paying his quota, did not, therefore, relieve him of responsibility. On these grounds Mr. Shubrick acquits the táluq servants of collusion with the Government defaulter Saravana Mudali, they might probably, he says, have apportioned the attachment upon the crops of the several brothers, but there was no necessity for their doing so.

4. Mr. Shubrick also explains that the early attachment of the crop arose from a desire to secure it before it was removed, that the Tahsildar is alone to blame for the delay in submitting his attachment accounts to the Huzur, and, lastly, that Soobaroya Pillay, though a sub-tenant of Saravana Mudali, is in no way connected with the rents of Tiruvidian and his 4 brethren. This person's crop was also attached and sold. Mr. Shubrick states that he is not a party to the suit; he seems, however, to be included in it as 3rd defendant.

5. The Board deem it unnecessary to offer any special remarks upon the explanations of the Collector. The orders issued by them in their proceedings of 13th October last, will, they hope, prevent the recurrence of similar irregularities in the attachment and sale of defaulters' property, and the result of the suit now pending, will show how far the acts of the subordinate Revenue officers may be justified. The decree of the Court will be submitted to Government in the usual course.

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

No. 44. ORDER THEREON, 7th December 1859, No. 1654.

There is nothing in the Collector's explanation submitted by the Board, to alter materially the views of Government respecting the conduct of the táluq officers in the case in question, as expressed in the order of the 10th September No. 1221. On some important points, it is observed, no explanation is offered. The order of the Board of Revenue in paragraph 6 of their proceedings of September 2d No. 3465, will prevent such conduct for the future, if strictly observed, as it ought to be.

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

Chingalpet District
Collector's Kacheri
Saidápet 9th November 1859.

From,
C. J. Shubrick Esqr
Collector of Chingalpet

To W. Huddleston Esqr
Secretary to the Board of Revenue
Fort St. George

Sir,

Referring to the Board's Proceedings No. 3698 of the 16th Sept. last forwarding Government Proceedings No. 1231 of the 10th Idem regarding the attachment of the Plaintiff's Crops in Suit No. 2 of 1859, I have the honor to state with reference to Paras 2 & 3, that the anomaly of the Government Defaulter Saravana Mudali taking an active part in the attachment of his own quasi property arises out of the Decree of the Civil Court in Appeal Suit No. 35 of 1854 Copy of which was sent to the Board with my Letter No. 374 of the 6th Ultimo, which prevented him from attaching the Crops or property of his Subtenants according to the mode prescribed by the

the General Regulations, and rendered it necessary for the Paliy. Servants to recover the dues of Government, on the land by attaching the crops of his Pultenants for him on behalf of Government, according as to pointed them out to make it good.

2 The Plaintiff in the (illegible) suit Peria Iráudan, is one of 5 brothers of whom Periavidiáu is the ostensible manager who jointly rented a portion of land under the Govemt. of Paullen Saravana Muttali. Their arrears to Saravana Muttali amounted to Rupees 25-12-8 for Fasli 1266, Vizt. Rs. 8-13-4 for the former year and Rs. 16-15-4 for the latter. There are no documents or accounts shewing the particular payments of each brother towards the joint rent for Fasli 1266, though among themselves they may be acquainted with them. It is therefore possible that the Plaintiff, may so far as he was concerned, have contributed his proper portion of his rent to Saravana Muttali for that year, and yet not

not have relieved himself from his joint responsibility for the whole; but whether he had so paid or not he had no receipts to shew, and the crop on the jointly rented ground, whether personally cultivated by him or not, according to his private arrangements with his brothers, was assuredly responsible when for the coming for any deficiency of their own whole rent. The issue of the notice in the name of the managing brother did not relieve him from the responsibility, however hard the way looked. How the supposition of having paid his share of having his own separate portion of the crop attached to make good the deficiencies of his brothers.

3 Under these circumstances, though the Paliy. Servants may be to blame for collecting the entire arrear from one brother's crop, when they had the details of each brother's payments for Fasli 1267 before them, and could probably have apportioned the attachment to meet each of their cases separately

three

these do not appear to me to be sufficient grounds for considering them liable to Collusion, since there was no real necessity for them to look into these matters separately, but only to attack the most convenient portion of the standing crop for the balance due on the entire portion of the jointly rented ground.

4 Adverting to the observations of Government, that the rents for Fasli 1267 was not overdue in May, it must be admitted that such was the case; at the same time if the attachment had been put off till the end of the Fasli, there might have been no crop forthcoming to meet the balance that would then have been due.

5 The Sükseldár in alone to blame for delay in submitting his attachment accounts to the Muzúm-

6 Súbráya Pillai is another but separate Subtenant of Saravena Múdali, and in no way connected with the joint rent of Seriuvidian

and

Listh brothers. His crop was also attached and sold for arrears, but he is not a party to the Suit now pending before the Court.

I have the honor to be
Sir
Your Most Obed.t Servant

To
W. Huddleston Esq.re Collector
& Secretary to the Board of Revenue
Fort St. George

Revenue Department

No. 4837.

Proceedings of the Board of Revenue dated 25th November 1859. No. 4837

Read the following letter from the Collector of Chingleput dated 9th November 1859 No. 417.

(Inform 10th November 1859 No. 5594)

Resolved that the foregoing letter be submitted for the information of Government with reference to their Pro-

In form 12th Sept. 1859. - ceedings dated 10th September 1859 R. D. No. 1221.

2. The Collector explains with reference to the remarks of Government on Suit No. 2 of 1859, that under the Decree of the Civil Court of Chingleput in A. S. No. 35 of 1854, which formed the subject of the recent correspondence noted in the margin, the Government defaulter Saravana Mudali was precluded from attaching the crops or property of his Sub tenants, hence the reason of the Taluq Servants attaching those crops of his Sub tenants which he pointed out.

Bds Pro: 13th Octr. 1859. No. 4130. Govt Pro: 5th Nov. - R. D. No. 1505 - inf. 7th Nov. 1859 No. 5548.

3 Mr Shubrick states that the

Received 10th November 1859

No. 5594

From the Collector of Chingleput

To the Secretary to the Board of Revenue

Forwarded.

Dated 9th November 1859

No. 417

Dr Cowie 10th Nov. 1859.

Received

Submitted with explanation called for in the Proceedings noted in the margin of the letter from the Collector of Chingleput dated 9th November 1859 No. 417.

Plaintiff sues under Act 23 of 1859 on the file of the Principal Sadr Ameen Court.

Defendant Subramania Mudali

Suit No. 2 of 1859

Decree of Court

14-3-61

Dismissed

Copy

Copy

the Plaintiff Periamandum, is one of 5 brothers, among whom Sirnividian (referred to by Government in para 4 Clause 2 of the order of 10th September) is the ostensible manager. They jointly rented a portion of Saravana Mudali's land, and were consequently all jointly and severally liable for the rent. The fact of Plaintiff paying his quota, did not therefore relieve him of responsibility. On these grounds Mr Shubrick acquits the Ceding Servants of collusion with the Government defaulter Saravana Mudali - they might probably he says, have apportioned the attachment upon the crops of the several brothers, but there was no necessity for their doing so.

4- Mr Shubrick also explains that the early attachment of the crop arose from a desire to secure it before it was removed - that the Tahsildar is alone to blame for the delay in submitting his attachment Accounts to the Auzur - and lastly that Loobaroya Pillay, tho a Sub tenant of Saravana Mudali, is in no way connected with the

the rents of Sirnividian and his 4 brothren - This persons crop was also attached and sold - Mr Shubrick states that he is not a party to the Suit, he seems however to be included in it as 3rd Defendant.

5- The Board deem it unnecessary to offer any special remarks upon the explanations of the Collector. The orders issued by them in their Proceedings of 13th October last, will, they hope, prevent the recurrence of similar irregularities in the attachment and sale of Defaulters' property. and the result of the Suit now pending will show how far the acts of the Subordinate Revenue Officer may be justified. The Decree of the Court will be submitted to Government in the usual course.

(A true Extract)

C. Stubbs
Ag Secretary.

To
J. D. Bourdillon Esq.
Secretary to Government
Revenue Department.

P.C. 16: Sept^{br} /59. No 11-
—10: Nov^{br} /59. " 56-
57-

29-1-14. B.1

Rec^{d} 1859 Sept^{r} 3
Pro: of Gov^{t} 10th Dec^{r}
No 2174.

From
The Acting Sec^{y} to the
Board of Revenue

To
The Secretary to Govt
Rev^{l} Department

Date 25th
Rec^{d} Sept 25th } November 1859.
Ref^{d} 26
C.L. of Letter Dec^{r} 9-1-60

No 1837
No 1654-7 December
Submitting for information a letter from the Coll^{r} of Chingleput furnishing the explanation required by Govt with reference to their remark on C.S. No 2 of 1859 and acquitting the Talley Servants of Collusion with the Govt defaulter Saravana Mudali.
From Bd of Rev^{e} 7 March/57
No 652.

With an order

No 1654

There is nothing in the Coll^{rs} explanation submitted by the Board, to alter materially the views of Government respecting the conduct of the Talley officers in the case in question, as expressed in the order of the 10th September No 1221. On some important points it is observed, no explanation is offered. The order of the Board of Revenue in para 6 of their proceedings of September 2nd No 3465, will prevent such conduct for the future, if strictly observed, as it ought to be.

Fort St. George
7th Dec^{r} 1859

6 Copies. To the Board of Rev^{e} Cir No 8

No 403 & 404.

30th Nov^{r} & 5th Dec^{r}