M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	1726	**Press** ~~**Mis.**~~
10H-105		
Dated	20 —12— 1859.	

Not to be folded or roughly handled

No. 104. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated 17th December 1859, No. 5282

I am directed by the Board of Revenue to submit for the orders of Government, the accompanying letter from the Collector of Madura, dated 30th November 1859, requesting permission to defend at the public expense, the suit entered in the margin, in which he has been included as a defendant.

In Cons. 5th Dec. 1859.

Subordinate Court of Mudura.
O. S. 31 of 1859.
Plaintiffs.

1 Arnachellam Setti.
2 Chadambaraw Setti.
Cultivators residing at Vellalaputty in Meylore taluq.
Versus.
1 T. Clarke, Esq., Collector of Madura.
2 Ramien, Tahsildar of Meylore taluq.
3 Alaguppen Setti.
4 Oodayappen Setti.
5 Savooghun Setti.
6 Armoogum Setti.
7 Narainen Setti.
8 Mootterulen Setti.
} of Vallalaputty.

The object of the suit is to recover possession of $6\frac{3}{4}$ goolies of unirrigated land, and payment for loss of produce valued at Rupees 203-4-0.

The plaintiffs allege that the land in question belonged to themselves and their partners the 4th, 5th, 6th, 7th and 8th defendants, from time immemorial, that since the British assumed the country, it was for some time cultivated with dry crops, but that owing to disagreements between themselves and their partners, about making the land irrigable, it was afterwards allowed to lie fallow.

The 3rd defendant having applied for a part of this land, the 1st plaintiff, with others, gave an agreement before the Zilladar, on 1st November 1856, covenanting to pay the tax on the land for Fusly 1266, whether it was cultivated or not, but it was nevertheless given to the 3rd defendant on cowle tenure.

Plaintiffs also state that when the 3rd defendant proceeded to clear the land, the 1st plaintiff prevented him from doing so, for which he was fined by the Tahsildar and appealed to the Collector in vain. The plaintiffs do not, however, state why the 4th, 5th, 6th, 7th and 8th defendants have been included as such in the case.

In his proposed answer the Collector denies the alleged rights of the plaintiffs. The land in dispute does not, he says belong to a Merássi village, but was unoccupied "punjah," waste for more than 20 years, that the plaintiffs applied for it only after an application had been made for it by the 3rd defendant and that the revenue authorities were at liberty to give it to any applicant. The Collector also contends that if the plaintiffs had at any time occupied the land, their right to a re-occupation was lost under the cultivation rules of the district, the rulings of the Civil Court, and the law of limitation. He also denies the loss alleged to have been sustained by the plaintiffs.

The claims of the plaintiffs seem to the Board to be untenable and they are of opinion that the answer of the Collector is good and sufficient. They, therefore, recommend that he may be authorized to file it, and conduct the defence in the first instance at the public cost. The time for putting in an answer expires on the 15th proximo.

No. 105. ORDER THEREON, 20th December 1859, No. 1726.

The Honorable the Governor in Council sanctions the defence in the first instance, at the public expense, of suit No. 31 of 1859 instituted in the Subordinate Court of Madura by Arnachellam Setti and Chadambaraw Setti, against the Collector of the district and others; but will determine, when a copy of the decree is submitted, whether the costs, if any be adjudged against the Collector, shall be borne by that officer or the Government.

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

made for it by the 3rd Defendant and that the Revenue authorities were at liberty to give it to any applicant. The Collector also contends that if the Plaintiffs had at any time occupied the land, their right to a reoccupation was lost under the cultivation rules of the district the rulings of the Civil Court and the law of limitation. He also denies the loss alleged to have been sustained by the Plaintiffs.

The claims of the Plaintiffs seem to the Board to be untenable and they are of opinion that the answer of the Collector is good and sufficient. They therefore recommend that he may be authorized to file it and conduct the defence in the first instance at the public cost. The time for putting in an answer expires on the 15th Proximo.

I have the honor to be
Sir,
Your most Obedient Servant,

To, J. D. Bourdillon Esqre
Secretary to Government
Revenue Department

Secretary.

24th June 1859 No 38-39.

Proc of the Board of Revenue
2d March 1860 No 605.

No 104 & 105

Rev. 1859 Department
Proc of Govt 20th Decr
No 2383

From

The Secretary to the
Board of Revenue

To

The Secretary to
Government
Revenue Department

Dated 17th
Desp 17th } December 1859
Rec 19th
C.L. & letter.
3. Encls. No 5282.

Submitting a letter from the Collector of Madura and recommending that he be permitted to defend at the public expense, O.S. 31 of 1859, brought against him and others by certain parties to recover possession of 6 1/4 Goolies of unirrigated land -

No 1726. 20th December

Which under &

No 1726

The Hon'ble the Governor in Council sanctions the defence in the first instance, at the public expense, of Suit No 31 of 1859 instituted in the subordinate Court of Madura by Arnachellam Chetti and Chadambaram Chetti against the Collector of the District and others; but will determine when a copy of the decree is submitted, whether the costs if any be adjudged against the Collector, shall be borne by that Officer or the Govt.

H & S Pigeon
20th Decr 1859.

A Copie to the Bd of Rev - Dis 20 with Encls