M.R.O. 14—10,000—21-4-23

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1732 Press ~~Mis.~~

115-116

Dated 20 — 12 — 1859.

Not to be folded or roughly handled

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

No. 115. Read the following Proceedings of the Board of Revenue, dated 13th December 1859, No. 5163.

Read the following letter from the Collector of Masulipatam, dated 16th November 1859, No. 202.

(In Consultation, 24th November 1859, No. 5856.)

With the foregoing letter the Collector submits a copy of the plaint, and the draft of an answer which he proposes to file in the suit noted in the margin.

Civil Court of Masulipatam, O. S. No. 65 *of* 1859.

Plaintiff.

Kávali Venkata Náráyanappa, present holder of the Vissanapet estate.

Versus.

1 *Hussein Sáheb alias Hussein Shariff of Tátagunta.*
2 *W. Knox, Esq., Collector of Masulipatam.*
3 *Drónamráz Narasinga Ráo, Tahsildar of Tirvúr.*

2. The plaintiff states that the 1st defendant with the aid of the 2nd and 3rd defendants carried away the produce of certain assessable land in the Tátagunta village belonging to his mootah without paying the assessment due thereon, and sues for the recovery of the sum payable to him from Fusly 1259, to 1264, on the said land, amounting to Rupees 275-8-3, together with interest from the date of plaint, and the costs of the suit.

3. In his answer the Collector proposes to plead, 1st, that the land in question is inám, and beyond the jurisdiction of the Court under the Circular order Sadr Adálat, dated 30th April 1853, the plaintiff not having produced the authority of Government to sue for it as required by Regulation IV of 1831; 2dly, that since the appointment of the Inám Commissioner the Collector cannot interfere in respect to ináms, and 3dly, that the 2nd and 3rd defendants are not liable in any way, as through plaintiff's own neglect, a regular investigation into his claim was not instituted by the revenue authorities.

4. The history of the case is given in paragraphs 3 to 9, of the Collector's letter, but need not be recapitulated here as the defence proposed is clearly sufficient, the jurisdiction of the Civil Courts being completely barred under the Circular order of the Sadr Adálat quoted in the answer. The Board recommend that Mr. Knox be authorized to file his proposed answer and to conduct the defence in the first instance at the public expense.

5. Mr. Knox has omitted to state when the time for filing his answer expires, and his attention is drawn to the Board's C. O. on this point.

10th November 1856, *C. O. Book, p.* 108.

6. Copies of the papers will be forwarded to the Inám Commissioner for his information.

(A true Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary for Secretary.*

No. 116. ORDER THEREON, 20th December 1859, No. 1732.

The facts of the case are by no means clear from the Collector's letter; but the land claimed being inám, as the Collector asserts, the first and second paragraphs of the answer proposed by him may be filed, and nothing more is necessary. As the plaintiff claims the land, not as inám but as séri, it will be necessary that the Collector should be prepared with proof to satisfy the Court that the land is inám.

2. On these terms the Government grant authority for the defence, in the first instance at the public expense, of suit No. 65 of 1859 instituted in the Civil Court of Masulipatam against the Collector of that district, the tahsildar of Tirvúr, and another, by Kávali Venkata Náráyanappa the present holder of the Vissanapet estate; but will determine when copy of the decree is submitted, whether the costs, if any be adjudged against the Collector or tahsildar, shall be borne by them or by the Government.

3. The land in question being situated as it seems, within a zamindári village, it does not appear that the interest of the Government is concerned in the question at issue; and the Governor in Council would have been prepared to grant permission to the plaintiff under Regulation IV of 1831 to sue the 1st defendant, if he had made application.

4. The Government observe that the suit was filed on the 6th July, but that the Collector's report was not made till the 16th November being a delay of above four months. The Board will call on the Collector to explain this.

5. Adverting to paragraph 4 of the Collector's letter, the Government cannot but notice the very inadequate punishment, a fine of one rupee, inflicted on the karnam for the grave offence of wilfully and maliciously falsifying the accounts of the village. The Government had lately occasion to observe that the prevalence of fraud in the karnam class is no matter for wonder, when their offences are thus leniently dealt with.

Government Proceedings 5th December 1859, *No.* 1644.

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

Rev. Departt.

No. 1732

Proceedings of the Madras Government

Under date the 20th Decr. 1859.

Read the following

Proceedings of the Board

of Revenue.

Reporting the institution of O.S. No. 65 of 1859 in the Civil Court of Masulipatam by one C. V. Narayanapah against the Coll. and others, and recommending that Mr. Knox be authorized to file his proposed answer, and to conduct the defence at the public expense.

(Here enter 15th December 1859 No. 5163)

The facts of the case

are by no means clear from the Collector's letter but the land claimed being inam, as the Coll. asserts, the first and second paragraphs of the answer proposed by him may be filed, and nothing more is necessary. As the plaintiff claims the land, not as inam but as Sêri, it will be necessary that

Collector should be prepared with proof to satisfy the Court that the land is inám.

2. On these terms the Govt. grant authority for the defence, in the first instance at the public expense, of suit No. 65 of 1859 instituted in the Civil Court of Masulipatam against the Collector of ~~Masulipatam~~ that District, the tahsildar of Tirvir, and another, in the Civil Court of ~~Masulipatam~~ by Kavali Venkata Narráyanapa the present holder of the Vissanapilli estate; but will determine when copy of the decree is submitted, whether the costs, if any be adjudged against the Collector or tahsildar, shall be borne by them or by the Govt.

2 The land in question being situated as it seems within a Zamindari village, it does not appear that the interests of the Government is concerned in the question at issue; and the Governor in Council would have been prepared to grant permission to the plaintiff under Regulation IV of 1831 to sue the 1st defendent, if he had made application.

3 The Govt observe that the suit was filed on the 6th July, but that the Collector's report was not made till the 16th Nov. being a delay of above four months. The Board will call on the Collr to explain this.

4 Adverting to Para 4 of the Collectors letter, the Government cannot but notice the very inadequate punishment, a fine of one rupee, inflicted

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W.S.

Sort: Pro: 5 Dec/59. No 1644.

Copies to the Bd. of Rev.
with 3 Orig. Docts.
Dup. Dft.

Revenue 1859 Department
Pro: of Govt 20th Dec.

No 1732.

Pro: of the Madras Govt
D/20th Dec/59.

From B. of Rev D/13 Jany/60
No 148 - in Cons 28th Jany/60
No 151
From Do. D/9th Feby/60 No 370
in Pro. 27th Feby/60 No 453.

Sanctioning the defence
in O. S. No 65 of 1859 on
the Masulipatam Civil
Court file.

No 115 & 116.

Civ. Decem Dec 20th